

VI

THE CRISIS OF MODERN NATURAL RIGHT



A. ROUSSEAU

THE first crisis of modernity occurred in the thought of Jean-Jacques Rousseau. Rousseau was not the first to feel that the modern venture was a radical error and to seek the remedy in a return to classical thought. It suffices to mention the name of Swift. But Rousseau was not a "reactionary." He abandoned himself to modernity. One is tempted to say that only through thus accepting the fate of modern man was he led back to antiquity. At any rate, his return to antiquity was, at the same time, an advance of modernity. While appealing from Hobbes, Locke, or the Encyclopedists to Plato, Aristotle, or Plutarch, he jettisoned important elements of classical thought which his modern predecessors had still preserved. In Hobbes, reason, using her authority, had emancipated passion; passion acquired the status of a freed woman; reason continued to rule, if only by remote control. In Rousseau, passion itself took the initiative and rebelled; usurping the place of reason and indignantly denying her libertine past, passion began to pass judgment, in the severe accents of Catonic virtue, on reason's turpitudes. The fiery rocks with which the Rousseauan eruption had covered the Western world were used, after they had cooled and after they had been hewn, for the imposing structures which the great thinkers of the late eighteenth and early nineteenth centuries erected. His disciples clarified his views indeed, but one may wonder whether they preserved the breadth of his vision. His passionate and forceful attack on modernity in the name of what was at the same time

classical antiquity and a more advanced modernity was repeated, with no less passion and force, by Nietzsche, who thus ushered in the second crisis of modernity—the crisis of our time.

Rousseau attacked modernity in the name of two classical ideas: the city and virtue, on the one hand, and nature, on the other.¹ “The ancient politicians spoke unceasingly of manners and virtue; ours speak of nothing but trade and money.” Trade, money, enlightenment, the emancipation of acquisitiveness, luxury, and the belief in the omnipotence of legislation are characteristic of the modern state, be it the absolute monarchy or the representative republic. Manners and virtue are at home in the city. Geneva is a city, indeed, but it is less a city than the cities of classical antiquity, especially Rome: in his very eulogy of Geneva, Rousseau calls, not the Genevans, but the Romans, the model of all free peoples and the most respectable of all free peoples. The Romans are the most respectable of all peoples because they were the most virtuous, the most powerful, and the freest people that ever were. The Genevans are not Romans or Spartans or even Athenians, because they lack the public spirit or the patriotism of the ancients. They are more concerned with their private or domestic affairs than with the fatherland. They lack the greatness of soul of the ancients. They are bourgeois rather than citizens. The sacred unity of the city has been destroyed in postclassical times by the dualism of power temporal and power spiritual,

1. In the notes to this section, the following abbreviated forms of the titles are used: “D’Alembert” = *Lettre à d’Alembert sur les spectacles*, ed. Léon Fontaine; “Beaumont” = *Lettre à M. de Beaumont* (Garnier ed.); “Confessions” = *Les Confessions*, ed. Ad. Van Bever; “C.S.” = *Contrat social*; “First Discourse” = *Discours sur les sciences et sur les arts*, ed. G. R. Havens; “Second Discourse” = *Discours sur l’origine de l’inégalité* (Flammarion ed.); “Émile” = *Émile* (Garnier ed.); “Hachette” = *Œuvres complètes*, Hachette ed.; “Julie” = *Julie ou la Nouvelle Héloïse* (Garnier ed.); “Montagne” = *Lettres écrites de la Montagne* (Garnier ed.); “Narcisse” = *Préface de Narcisse* (Flammarion ed.); “Réveries” = *Les Réveries du promeneur solitaire*, ed. Marcel Raymond.

and ultimately by the dualism of the earthly and the heavenly fatherland.²

The modern state presented itself as an artificial body which comes into being through convention and which remedies the deficiencies of the state of nature. For the critic of the modern state, therefore, a question arose as to whether the state of nature is not preferable to civil society. Rousseau suggested the return to the state of nature, the return to nature, from a world of artificiality and conventionality. Throughout his entire career, he never was content merely to appeal from the modern state to the classical city. He appealed almost in the same breath from the classical city itself to "the man of nature," the prepolitical savage.³

There is an obvious tension between the return to the city and the return to the state of nature. This tension is the substance of Rousseau's thought. He presents to his readers the confusing spectacle of a man who perpetually shifts back and forth between two diametrically opposed positions. At one moment he ardently defends the rights of the individual or the rights of the heart against all restraint and authority; at the next moment he demands with equal ardor the complete submission of the individual to society or the state and favors the most rigorous moral or social discipline. Today most serious students of Rousseau incline to the view that he eventually succeeded in overcoming what they regard as a temporary vacillation. The mature Rousseau, they hold, found a solution which he thought satisfied equally the legitimate claims of the

2. *First Discourse*, p. 134; *Narcisse*, pp. 53-54, 57 n.; *Second Discourse*, pp. 66, 67, 71-72; *D'Alembert*, pp. 192, 237, 278; *Julie*, pp. 112-13; *C.S.*, IV, 4, 8; *Montagne*, pp. 292-93. No modern thinker has understood better than Rousseau the philosophic conception of the *polis*: the *polis* is that complete association which corresponds to the natural range of man's power of knowing and of loving. See especially *Second Discourse*, pp. 65-66, and *C.S.*, II, 10.

3. *First Discourse*, pp. 102 n., 115 n., 140. "On me reproche d'avoir affecté de prendre chez les anciens mes exemples de vertu. Il y a bien de l'apparence que j'en aurais trouvé encore davantage, si j'avais pu remonter plus haut" (Hachette, I, 35-36).

individual and those of society, the solution consisting in a certain type of society.⁴ This interpretation is exposed to a decisive objection. Rousseau believed to the end that even the right kind of society is a form of bondage. Hence he cannot have regarded his solution to the problem of the conflict between the individual and society as more than a tolerable approximation to a solution—an approximation which remains open to legitimate doubts. The farewell to society, authority, restraint, and responsibility or the return to the state of nature remains therefore for him a legitimate possibility.⁵ The question is, then, not how he solved the conflict between the individual and society but rather how he conceived of that insoluble conflict.

Rousseau's *First Discourse* provides a key to a more precise formulation of this question. In that earliest of his important writings he attacked the sciences and the arts in the name of virtue: the sciences and the arts are incompatible with virtue, and virtue is the only thing which matters.⁶ Virtue apparently requires support by faith or theism, although not necessarily by monotheism.⁷ Yet the emphasis rests on virtue itself. Rousseau indicates the meaning of virtue clearly enough for his purpose by referring to the examples of the citizen-philosopher Socrates, of Fabricius, and, above all, of Cato: Cato was "the greatest of men."⁸ Virtue is primarily political virtue, the

4. The classic formulation of this interpretation of Rousseau is to be found in Kant's "Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht," Siebenter Satz (*The Philosophy of Kant*, ed. Carl J. Friedrich ["Modern Library" ed.], pp. 123-27).

5. C.S., I, 1; II, 7, 11; III, 15; *Émile*, I, 13-16, 79-80, 85; *Second Discourse*, pp. 65, 147, 150, 165.

6. *First Discourse*, pp. 97-98, 109-10, 116. Hachette, I, 55: Morality is infinitely more sublime than the marvels of the understanding.

7. *First Discourse*, pp. 122, 140-41; *Émile*, II, 51; *Julie*, pp. 502 ff., 603; *Montagne*, p. 180.

8. *First Discourse*, pp. 120-22; *Second Discourse*, p. 150; *Julie*, p. 325. Hachette, I, 45-46: Original equality is "the source of all virtue." *Ibid.*, p. 59: Cato has given the human race the spectacle and the model of the purest virtue which has ever existed.

virtue of the patriot or the virtue of a whole people. Virtue presupposes free society, and free society presupposes virtue: virtue and free society belong together.⁹ Rousseau deviates from his classical models at two points. Following Montesquieu, he regards virtue as the principle of democracy: virtue is inseparable from equality or from the recognition of equality.¹⁰ Secondly, he believes that the knowledge which is required for virtue is supplied, not by reason, but by what he calls the "conscience" (or "the sublime science of the simple souls") or by sentiment or by instinct. The sentiment which he has in mind will prove to be originally the sentiment of compassion, the natural root of all genuine beneficence. Rousseau saw a connection between his inclination toward democracy and his preference for sentiment above reason.¹¹

Since Rousseau assumed that virtue and free society belong together, he could prove that science and virtue are incompatible by proving that science and free society are incompatible. The reasoning underlying the *First Discourse* can be reduced to five chief considerations, which are indeed only insufficiently developed in that work but which become sufficiently clear if, in reading the *First Discourse*, one takes into account Rousseau's later writings.¹²

9. *Narcisse*, pp. 54, 56, 57 n.; *Émile*, I, 308; *C.S.*, I, 8; *Confessions*, I, 244.

10. Hachette, I, 41, 45-46; *Second Discourse*, pp. 66, 143-44; *Montagne*, p. 252. Compare the quotation from Plato's *Apology of Socrates* (21^b ff.) in the *First Discourse* (pp. 118-20) with the Platonic original: Rousseau fails to quote Socrates' censure of the (democratic or republican) statesmen; and he substitutes for Socrates' censure of the artisans a censure of the artists.

11. *First Discourse*, p. 162; *Second Discourse*, pp. 107-10; *Émile*, I, 286-87, 307; *Confessions*, I, 199; Hachette, I, 31, 35, 62-63.

12. This procedure is unobjectionable, since Rousseau himself said that he did not yet reveal his principles fully in the *First Discourse* and that that work is inadequate also for other reasons (*First Discourse*, pp. 51, 56, 92, 169-70); and, on the other hand, the *First Discourse* reveals more clearly than do the later writings the unity of Rousseau's fundamental conception.

According to Rousseau, civil society is essentially a particular or, more precisely, a closed society. Civil society, he holds, can be healthy only if it has a character of its own, and this requires that its individuality be produced or fostered by national and exclusive institutions. These institutions must be animated by a national "philosophy," by a way of thinking that is not transferable to other societies: "the philosophy of each people is little apt for another people." On the other hand, science or philosophy is essentially universal. Science or philosophy necessarily weakens the power of the national "philosophies" and therewith the attachment of the citizens to the particular way of life, or the manners, of their community. In other words, whereas science is essentially cosmopolitan, society must be animated by a spirit of patriotism, by a spirit which is by no means irreconcilable with national hatreds. Political society being a society that has to defend itself against other states, it must foster the military virtues, and it normally develops a warlike spirit. Philosophy or science, on the contrary, is destructive of the warlike spirit.¹³ Furthermore, society requires that its members be fully devoted to the common good or that they be busy or active on behalf of their fellows: "Every idle citizen is a scoundrel." On the other hand, the element of science is admittedly leisure, which is falsely distinguished from idleness. In other words, the true citizen is devoted to duty, whereas the philosopher or scientist selfishly pursues his pleasure.¹⁴ In addition, society requires that its members adhere without question to certain religious beliefs. These salutary certainties, "our dogmas" or "the sacred dogmas authorized by the laws," are endangered by

13. *First Discourse*, pp. 107, 121-23, 141-46; *Narcisse*, pp. 49 n., 51-52, 57 n.; *Second Discourse*, pp. 65-66, 134-35, 169-70; *C.S.*, II, 8 (toward the end); *Émile*, I, 13; *Gouvernement de Pologne*, chaps. ii and iii; *Montagne*, pp. 130-33.

14. *First Discourse*, pp. 101, 115, 129-32, 150; *Hachette*, I, 62; *Narcisse*, pp. 50-53; *Second Discourse*, p. 150; *D'Alembert*, pp. 120, 123, 137; *Julie*, p. 517; *Émile*, I, 248.

science. Science is concerned with truth as such, regardless of its utility, and thus by reason of its intention is exposed to the danger of leading to useless or even harmful truths. In fact, however, the truth is inaccessible, and therefore the quest for truth leads to dangerous error or to dangerous skepticism. The element of society is faith or opinion. Therefore, science, or the attempt to replace opinion by knowledge, necessarily endangers society.¹⁵ Moreover, free society presupposes that its members have abandoned their original or natural freedom in favor of conventional freedom, that is, in favor of obedience to the laws of the community or to uniform rules of conduct, to the making of which everyone can have contributed. Civil society requires conformity or the transformation of man as natural being into the citizen. But the philosopher or scientist must follow his "own genius" with absolute sincerity or without any regard to the general will or the communal way of thinking.¹⁶ Finally, free society comes into being through

15. *First Discourse*, pp. 107, 125-26, 129-33, 151, 155-57; *Narcisse*, pp. 56, 57 n.; *Second Discourse*, pp. 71, 152; *C.S.*, II, 7; *Confessions*, II, 226. Hachette, I, 38 n.: "Ce serait en effet un détail bien flétrissant pour la philosophie, que l'exposition des maximes pernicieuses et des dogmes impies de ses diverses sectes ... y-a-t-il une seule de toutes ces sectes qui ne soit tombée dans quelque erreur dangereuse? Et que devons-nous dire de la distinction des deux doctrines, si avidement reçu de *tous* les philosophes, et par laquelle ils professaient en secret des sentiments contraires à ceux qu'ils enseignaient publiquement? Pythagore fit le premier qui fut usage de la doctrine intérieure; il ne la découvrait à ses disciples qu'après de longues épreuves et avec le plus grand mystère. Il leur donnait en secret des leçons d'athéisme, et offrit solennellement des hécatombes à Jupiter. Les philosophes se trouvaient si bien de cette méthode, qu'elle se répandit rapidement dans la Grèce, et de là dans Rome, comme on le voit par les ouvrages de Cicéron, qui se moquait avec ses amis des dieux immortels, qu'il attestait avec tant d'emphase sur le tribunal aux harangues. La doctrine intérieure n'a point été portée d'Europe à la Chine; mais elle y est née aussi avec la philosophie; et c'est à elle que les Chinois sont redevables de cette foule d'athées ou de philosophes qu'ils ont parmi eux. L'histoire de cette fatale doctrine, faite par un homme instruit et sincère, serait un terrible coup porté à *la philosophie ancienne et moderne*." (The italics are not in the original.) Cf. *Confessions*, II, 329.

16. *First Discourse*, pp. 101-2, 105-6, 158-59; *Second Discourse*, p. 116; *C.S.*, I, 6, 8; II, 7; *Émile*, I, 13-15.

the substitution of conventional equality for natural inequality. The pursuit of science, however, requires the cultivation of talents, that is, of natural inequality; its fostering of inequality is so characteristic of it that one is justified in saying that concern with superiority, or pride, is the root of science or philosophy.¹⁷

It was by means of science or philosophy that Rousseau established the thesis that science or philosophy is incompatible with free society and hence with virtue. In so doing, he tacitly admitted that science or philosophy can be salutary, i.e., compatible with virtue. He did not leave it at this tacit admission. In the very *First Discourse*, he bestowed high praise upon the learned societies whose members must combine learning and morality; he called Bacon, Descartes, and Newton the teachers of the human race; he demanded that scholars of the first rank should find honorable asylum at the courts of princes, in order from there to enlighten the peoples concerning their duties and thus contribute to the peoples' happiness.¹⁸

Rousseau has suggested three different solutions to this contradiction. According to the first suggestion, science is bad for a good society and good for a bad society. In a corrupt society, in a society ruled despotically, the attack on all sacred opinions or prejudices is legitimate because social morality cannot become worse than it already is. In such a society, only science can provide man with a measure of relief: the discussion of the foundations of society may lead to the discovery of palliatives for the prevailing abuses. This solution would suffice if Rousseau had addressed his works only to his contemporaries, i.e., to members of a corrupt society. But he wished to live as a writer beyond his time, and he foresaw a revolution. He wrote, therefore, also with a view to the requirements of a

17. *First Discourse*, pp. 115, 125-26, 128, 137, 161-62; *Narcisse*, p. 50; *Second Discourse*, p. 147; C.S., I, 9 (end); Hachette, I, 38 n.

18. *First Discourse*, pp. 98-100, 127-28, 138-39, 151-52, 158-61; *Narcisse*, pp. 45, 54.

good society and, in fact, of a more perfect society than had ever existed before, which might be established after the revolution. This best solution to the political problem is discovered by philosophy and only by philosophy. Hence philosophy cannot merely be good for a bad society; it is indispensable for the emergence of the best society.¹⁹

According to Rousseau's second suggestion, science is good for "the individuals," i.e., for "some great geniuses" or "some privileged souls" or "the small number of true philosophers," among whom he counts himself, but bad for "the peoples" or "the public" or "the common men" (*les hommes vulgaires*). Hence he attacked in the *First Discourse*, not science as such, but popularized science or the diffusion of scientific knowledge. The diffusion of scientific knowledge is disastrous not only for society but for science or philosophy itself; through popularization, science degenerates into opinion, or the fight against prejudice becomes itself a prejudice. Science must remain the preserve of a small minority; it must be kept secret from the common man. Since every book is accessible not only to the small minority but to all who can read, Rousseau was forced by his principle to present his philosophic or scientific teaching with a great deal of reserve. He believed, indeed, that in a corrupt society, like the one in which he lived, the diffusion of philosophic knowledge can no longer be harmful; but, as was said before, he wrote not merely for his contemporaries. The *First Discourse* must be understood in the light of these facts. The function of that work is to warn away from science, not all men, but only the common men. When Rousseau rejects science as simply bad, he speaks in the character of a common man addressing common men. But he intimates that, far from being a common man, he is a philosopher

19. *First Discourse*, p. 94 (cf. 38, 46, 50); *Narcisse*, pp. 54, 57-58, 60 n.; *Second Discourse*, pp. 66, 68, 133, 136, 141, 142, 145, 149; *Julie*, Preface (beginning); C.S., I, 1; *Beaumont*, pp. 471-72.

who merely appears in the guise of a common man and that, far from ultimately addressing "the people," he addresses only those who are not subjugated by the opinions of their century, of their country, or of their society.²⁰

It might then seem that it was Rousseau's belief in the fundamental disproportion between science and society (or "the people") which was the primary reason for his belief that the conflict between the individual and society is insoluble or for his making an ultimate reservation on behalf of "the individual," i.e., of the few "privileged souls" against the claims of even the best society. This impression is confirmed by the fact that Rousseau finds the foundations of society in the needs of the body and that he says of himself that nothing related to the interest of his body could ever truly occupy his soul; he himself finds in the joys and raptures of pure and disinterested contemplation—for example, the study of plants in the spirit of Theophrastus—perfect happiness and a godlike self-sufficiency.²¹ Thus the impression grows that Rousseau sought to restore the classical idea of philosophy as opposed to the En-

20. *First Discourse*, pp. 93–94, 108 n., 120, 125, 132–33, 152, 157–62, 227; Hachette, I, 23, 26, 31, 33, 35, 47 n. 1, 48, 52, 70; *Second Discourse*, pp. 83, 170, 175; *D'Alembert*, pp. 107–8; *Beaumont*, p. 471; *Montagne*, pp. 152–53, 202, 283. A critic of the *First Discourse* had said: "On ne saurait mettre dans un trop grand jour des vérités qui heurtent autant de front le goût général...." Rousseau replied to him as follows: "Je ne suis pas tout-à-fait de cet avis, et je crois qu'il faut laisser des osselets aux enfants" (Hachette, I, 21; cf. also *Confessions*, II, 247). Rousseau's principle was to say the truth "en toute chose utile" (*Beaumont*, pp. 472, 495; *Réveries*, IV); hence one may not only suppress or disguise truths devoid of all possible utility but may even be positively deceitful about them by asserting their contraries, without thus committing the sin of lying. The consequence regarding harmful or dangerous truths is obvious (cf. also *Second Discourse*, end of the First Part, and *Beaumont*, p. 461). Compare Dilthey, *Gesammelte Schriften*, XI, 92: "[Johannes von Mueller spricht] von der sonderbaren Aufgabe: 'sich so auszudrücken, dass die Obrigkeiten die Wahrheit lernen, ohne dass ihn die Untertanen verstünden, und die Untertanen so zu unterrichten, dass sie vom Glück ihres Zustandes recht überzeugt sein möchten.' "

21. *First Discourse*, p. 101; *Montagne*, p. 206; *Confessions*, III, 205, 220–21; *Réveries*, V–VII.

lightenment. It is certainly in opposition to the Enlightenment that he reasserts the crucial importance of the natural inequality of men in regard to intellectual gifts. But one must add at once that the instant Rousseau takes hold of the classical view he succumbs again to the powers from which he sought to liberate himself. The same reason which forces him to appeal from civil society to nature forces him to appeal from philosophy or science to nature.²²

The contradiction of the *First Discourse* regarding the value of science is solved as completely as Rousseau ever solved it by his third suggestion, of which the first and second suggestions are parts. The first and second suggestions solve the contradiction by distinguishing between two kinds of addressees of science. The third suggestion solves the contradiction by distinguishing between two kinds of science: a kind of science which is incompatible with virtue and which one may call "metaphysics" (or purely theoretical science) and a kind of science which is compatible with virtue and which one may call "Socratic wisdom." Socratic wisdom is self-knowledge; it is knowledge of one's ignorance. It is therefore a kind of skepticism, an "involuntary skepticism" but not a dangerous one. Socratic wisdom is not identical with virtue, for virtue is "the science of the simple souls," and Socrates was not a simple soul. Whereas all men can be virtuous, Socratic wisdom is the preserve of a small minority. Socratic wisdom is essentially ancillary; the humble and silent practice of virtue is the only thing that matters. Socratic wisdom has the function of defending "the science of the simple souls," or the conscience, against all kinds of sophistry. The need for such defense is not accidental and not limited to times of corruption. As one of Rousseau's greatest disciples put it, simplicity or innocence is a wonderful thing indeed, but it can easily be misled; "therefore

22. *First Discourse*, p. 115 n.; *Narcisse*, pp. 52-53; *Second Discourse*, pp. 89, 94, 109, 165; *Julie*, pp. 415-17; *Émile*, I, 35-36, 118, 293-94, 320-21. Hachette, I, 62-63: "osera-t-on prendre le parti de l'instinct contre la raison? C'est précisément ce que je demande."

wisdom which otherwise consists in doing or in forbearing to do rather than in knowing, is in need of science." Socratic wisdom is needed, not for the sake of Socrates, but for the sake of the simple souls or of the people. The true philosophers fulfil the absolutely necessary function of being the guardians of virtue or of free society. Being the teachers of the human race, they, and they alone, can enlighten the peoples as to their duties and as to the precise character of the good society. In order to fulfil this function, Socratic wisdom requires as its basis the whole of theoretical science; Socratic wisdom is the end and crown of theoretical science. Theoretical science, which is not intrinsically in the service of virtue and is therefore bad, must be put into the service of virtue in order to become good.²³ It can become good, however, only if its study remains the preserve of the few who are by nature destined to guide the peoples; only an esoteric theoretical science can become good. This is not to deny that, in times of corruption, the restriction on the popularization of science can and must be relaxed.

This solution might be regarded as final if the virtuous citizen and not "natural man" were Rousseau's ultimate standard. But according to him, the very philosopher comes closer to natural man in certain respects than does the virtuous citizen. It suffices here to refer to the "idleness" which the philosopher shares with natural man.²⁴ In the name of nature, Rousseau questioned not only philosophy but the city and virtue as well. He was forced to do so because his Socratic wisdom is ultimately based on theoretical science or, rather on a particular kind of theoretical science, namely, modern natural science.

23. *First Discourse*, pp. 93, 97, 99-100, 107, 118-22, 125, 128, 129, 130 n., 131-32, 152-54, 161-62; *Hachette*, I, 35; *Narcisse*, pp. 47, 50-51, 56; *Second Discourse*, pp. 74, 76; *Émile*, II, 13, 72, 73; *Beaumont*, p. 452. Cf. Kant, *Grundlegung zur Metaphysik der Sitten*, Erster Abschnitt (toward the end).

24. *First Discourse*, pp. 105-6; *Second Discourse*, pp. 91, 97, 122, 150-51, 168; *Confessions*, II, 73; III, 205, 207-9, 220-21; *Réveries*, VI (end) and VII.

To understand Rousseau's theoretical principles, one must turn to his *Discourse on the Origin of Inequality*. Contrary to the inclinations of most present-day students, he always regarded this work (the *Second Discourse*) as "a work of the greatest importance." He claimed that in it he had developed his principles "completely," or that the *Second Discourse* is the writing in which he had revealed his principles "with the greatest boldness, not to say audacity."²⁵ The *Second Discourse* is indeed Rousseau's most philosophic work; it contains his fundamental reflections. In particular, the *Social Contract* rests on the foundations laid in the *Second Discourse*.²⁶ The *Second Discourse* is decidedly the work of a "philosopher." Morality is regarded there, not as an unquestioned or unquestionable presupposition, but as an object or as a problem.

The *Second Discourse* is meant to be a "history" of man. That history is modeled on the account of the fate of the human race which Lucretius gave in the fifth book of his poem.²⁷ But Rousseau takes that account out of its Epicurean context and puts it into a context supplied by modern natural and social science. Lucretius had described the fate of the human race in order to show that that fate can be perfectly understood without recourse to divine activity. The remedies for the ills which he was forced to mention, he sought in philosophic withdrawal from political life. Rousseau, on the other hand, tells the story of man in order to discover that political order which is in accordance with natural right. Furthermore, at least at the outset, he follows Descartes rather than Epicurus: he assumes that animals are machines and that man transcends

25. *Confessions*, II, 221, 246.

26. Cf. especially C.S., I, 6 (beginning), which shows that the *raison d'être* of the social contract is set forth, not in the C.S., but in the *Second Discourse*. Cf. also C.S., I, 9.

27. *Second Discourse*, p. 84; cf. also *Confessions*, II, 244. See Jean Morel, "Recherches sur les sources du discours de l'inégalité," *Annales de la Société J.-J. Rousseau*, V (1909), 163-64.

the general mechanism, or the dimension of (mechanical) necessity, only by virtue of the spirituality of his soul. Descartes had integrated the "Epicurean" cosmology into a theistic framework: God having created matter and established the laws of its motions, the universe with the exception of man's rational soul has come into being through purely mechanical processes; the rational soul requires special creation because thinking cannot be understood as a modification of moved matter; rationality is the specific difference of man among the animals. Rousseau questions not only the creation of matter but likewise the traditional definition of man. Accepting the view that brutes are machines, he suggests that there is only a difference of degree between men and the brutes in regard to understanding or that the laws of mechanics explain the formation of ideas. It is man's power to choose and his consciousness of this freedom which cannot be explained physically and which proves the spirituality of his soul. "It is then not so much the understanding which constitutes the specific difference of man among the animals as his quality of a free agent." Yet, whatever Rousseau might have believed concerning this subject, the argument of the *Second Discourse* is not based on the assumption that freedom of the will is of the essence of man, or, more generally expressed, the argument is not based on dualistic metaphysics. Rousseau goes on to say that the cited definition of man is subject to dispute, and he therefore replaces "freedom" by "perfectibility"; no one can deny the fact that man is distinguished from the brutes by perfectibility. Rousseau means to put his doctrine on the most solid ground; he does not want to make it dependent on dualistic metaphysics, which is exposed to "insoluble objections," to "powerful objections," or to "insurmountable difficulties."²⁸ The argument of the *Second Discourse* is meant to be acceptable

28. *Second Discourse*, pp. 92-95, 118, 140, 166; *Julie*, p. 589 n.; *Émile*, II, 24, 37; *Beaumont*, pp. 461-63; *Rêveries*, III. Cf. *First Discourse*, p. 178.

to materialists as well as to others. It is meant to be neutral with regard to the conflict between materialism and antimaterialism, or to be "scientific" in the present-day sense of the term.²⁹

The "physical" investigation³⁰ of the *Second Discourse* is meant to be identical with a study of the basis of natural right and therewith of morality; the "physical" investigation is meant to disclose the precise character of the state of nature. Rousseau takes it for granted that, in order to establish natural right, one must return to the state of nature. He accepts Hobbes's premise. Dismissing the natural right teaching of the ancient philosophers, he says that "Hobbes has seen very well the defect of all modern definitions of natural right." "The moderns" or "our jurists" (as distinguished from "the Roman jurists," i.e., Ulpian) erroneously assumed that man is by nature capable of the full use of his reason, i.e., that man as man is subject to perfect duties of natural law. Rousseau obviously understands by "the modern definitions of natural right" the traditional definitions which still predominated in the academic teaching of his time. He agrees, then, with Hobbes's attack on the traditional natural law teaching: natural law must have its roots in principles which are anterior to reason, i.e., in passions which need not be specifically human. He further agrees with Hobbes in finding the principle of natural law in the right of self-preservation, which implies the right of each to be the sole judge of what are the proper means for his self-preservation. This view presupposes, according to both thinkers, that life in the state of nature is "solitary," i.e., that it is characterized by the absence not only of society but even of sociability.³¹ Rousseau expresses his loyalty to the

29. As regards the prehistory of this approach, see above, pp. 173-74 and 203-4.

30. *Second Discourse*, pp. 75, 173.

31. *Ibid.*, pp. 76, 77, 90, 91, 94-95, 104, 106, 118, 120, 151; *Julie*, p. 113; C.S., I, 2; II, 4, 6; cf. also *Émile*, II, 45.

spirit of Hobbes's reform of the natural law teaching by substituting for "that sublime maxim of reasoned justice 'Do unto others as you would have them to do unto you' . . . this much less perfect, but perhaps more useful maxim 'Do good to yourself with as little evil as possible to others.' " He tries no less seriously than Hobbes to find the basis of justice by "taking men as they are," and not as they ought to be. And he accepts Hobbes's reduction of virtue to social virtue.³²

Rousseau deviates from Hobbes for the same two reasons for which he deviates from all previous political philosophers. In the first place, "the philosophers who have examined the foundations of society, have all of them felt the necessity to go back to the state of nature, but not one of them has arrived there." All of them have painted civilized man while claiming to paint natural man or man in the state of nature. Rousseau's

32. *Second Discourse*, p. 110; cf. also *C.S.*, I (beginning); *D'Alembert*, pp. 246, 248; and *Confessions*, II, 267. Rousseau was fully aware of the antibiblical implications of the concept of the state of nature. For this reason, he originally presented his account of the state of nature as altogether hypothetical; the notion that the state of nature was once actual contradicts the biblical teaching which every Christian philosopher is obliged to accept. But the teaching of the *Second Discourse* is not that of a Christian; it is the teaching of a man addressing mankind; it is at home in the Lyceum at the time of Plato and of Xenocrates, and not in the eighteenth century; it is a teaching arrived at by applying the natural light to the study of man's nature, and nature never lies. In accordance with these statements, Rousseau asserts later on that he has proved his account of the state of nature. What remains hypothetical, or less certain than the account of the state of nature, is the account of the development leading from the state of nature to despotism, or "the history of governments." At the end of the First Part of the bipartite work, Rousseau calls the state of nature a "fact": the problem consists in linking "two facts given as real" "by a sequence of intermediate and actually or supposedly unknown facts." The given facts are the state of nature and contemporary despotism. It is to the intermediate facts, and not to the characteristics of the state of nature, that Rousseau refers when he says in the first chapter of the *C.S.* that he does not know them. If Rousseau's account of the state of nature were hypothetical, his whole political teaching would be hypothetical; the practical consequence would be prayer and patience and not dissatisfaction and, wherever possible, reform. Cf. *Second Discourse*, pp. 75, 78-79, 81, 83-85, 104, 116-17, 149, 151-52, 165; cf. also the reference to the "thousands of centuries" required for the development of the human mind (*ibid.*, p. 98) with the biblical chronology; see also Morel, *op. cit.*, p. 135.

predecessors attempted to establish the character of natural man by looking at man as he is now. This procedure was reasonable as long as it was assumed that man is by nature social. Making this assumption, one could draw the line between the natural and the positive or the conventional by identifying the conventional with what is manifestly established by convention. One could take it for granted that at least all those passions which arise in man independently of the fiat of society are natural. But once one denies, with Hobbes, man's natural sociality, one must regard it as possible that many passions which arise in man as we observe him are conventional in so far as they originate in the subtle and indirect influence of society and hence of convention. Rousseau deviates from Hobbes because he accepts Hobbes's premise; Hobbes is grossly inconsistent because, on the one hand, he denies that man is by nature social and, on the other hand, he tries to establish the character of natural man by referring to his experience of men which is the experience of social man.³³ By thinking through Hobbes's critique of the traditional view, Rousseau was brought face to face with a difficulty which embarrasses most present-day social scientists: not the reflection on man's experience of men, but only a specifically "scientific" procedure, seems to be able to lead one to genuine knowledge of the nature of man. Rousseau's reflection on the state of nature, in contradistinction to Hobbes's reflection, takes on the character of a "physical" investigation.

Hobbes had identified natural man with the savage. Rousseau frequently accepts this identification and accordingly makes extensive use of the ethnographic literature of the age. But his doctrine of the state of nature is, in principle, independent of this kind of knowledge, since, as he points out, the savage is already molded by society and therefore no longer a natural man in the strict sense. He also suggests some experi-

33. *Second Discourse*, pp. 74-75, 82-83, 90, 98, 105-6, 137-38, 160, 175.

ments which might be helpful for establishing the character of natural man. But these experiments, being entirely a matter of the future, cannot be the basis of his doctrine. The method which he uses is a "meditation on the first and most simple operations of the human soul"; those mental acts which presuppose society cannot belong to man's natural constitution, since man is by nature solitary.³⁴

The second reason why Rousseau deviates from Hobbes can be stated as follows. Hobbes had taught that if natural right is to be effectual, it must be rooted in passion. On the other hand, he had conceived of the laws of nature (of the rules prescribing man's natural duties), apparently in the traditional manner, as dictates of reason; he had described them as "conclusions or theorems." Rousseau draws the conclusion that, since Hobbes's criticism of the traditional view is sound, one must question Hobbes's conception of the laws of nature: not only the right of nature but the laws of nature or man's natural duties or his social virtues must be rooted directly in passion; they must have a much more powerful support than reasoning or calculation. By nature, the law of nature "must speak immediately with the voice of nature"; it must be prerational, dictated by "natural sentiment" or by passion.³⁵

Rousseau has summed up the result of his study of natural man in the statement that man is by nature good. This result can be understood as the outcome of a criticism of Hobbes's doctrine which is based on Hobbes's premises. Rousseau argues as follows: Man is by nature asocial, as Hobbes admitted. But pride or *amour-propre* presupposes society. Hence natural man cannot be proud or vain, as Hobbes had contended that he is. But pride or vanity is the root of all viciousness, as Hobbes had also contended. Natural man is therefore free from all

34. *Ibid.*, pp. 74-77, 90, 94-95, 104, 124, 125, 174; cf. also Condorcet, *Esquisse d'un tableau historique des progrès de l'esprit humain*, Première Époque (beginning).

35. *Second Discourse*, pp. 76-77, 103, 107-10; cf. also *Émile*, I, 289.

viciousness. Natural man is swayed by self-love or the concern with self-preservation; he will therefore hurt others if he believes that by doing so he will preserve himself; but he will not be concerned with hurting others for its own sake, as he would be if he were proud or vain. Furthermore, pride and compassion are incompatible; to the extent to which we are concerned with our prestige, we are insensitive to the sufferings of others. The power of compassion decreases with the increase of refinement or convention. Rousseau suggests that natural man is compassionate: the human race could not have survived prior to the existence of any conventional restraints if the powerful promptings of the instinct of self-preservation had not been mitigated by compassion. He seems to assume that the instinctive desire for the preservation of the species bifurcates into the desire for procreation and compassion. Compassion is the passion from which all social virtues derive. He concludes that man is by nature good because he is by nature swayed by self-love and compassion and free from vanity or pride.³⁶

For the same reason for which natural man lacks pride, he also lacks understanding or reason and therewith freedom. Reason is coterminous with language, and language presupposes society: being presocial, natural man is prerational. Here again Rousseau draws a necessary conclusion from Hobbes's premises which Hobbes had not drawn. To have reason means to have general ideas. But general ideas, as distinguished from the images of memory or imagination, are not the products of a natural or unconscious process; they presuppose definitions; they owe their being to definition. Hence they presuppose language. Since language is not natural, reason is not natural. From this we can understand best why Rousseau replaces the traditional definition of man as a rational animal by a new definition. Furthermore, since natural man is prerational, he is utterly incapable of any knowledge of the law of nature which

36. *Second Discourse*, pp. 77, 87, 90, 97-99, 104, 107-10, 116, 120, 124-25, 147, 151, 156-57, 160-61, 165, 176-77.

is the law of reason, although "he attributes to himself [in accordance] with reason the right to the things which he needs." Natural man is premoral in every respect: he has no heart. Natural man is subhuman.³⁷

Rousseau's thesis that man is by nature good must be understood in the light of his contention that man is by nature subhuman. Man is by nature good because he is by nature that subhuman being which is capable of becoming either good or bad. There is no natural constitution of man to speak of: everything specifically human is acquired or ultimately depends on artifice or convention. Man is by nature almost infinitely perfectible. There are no natural obstacles to man's almost unlimited progress or to his power of liberating himself from evil. For the same reason, there are no natural obstacles to man's almost unlimited degradation. Man is by nature almost infinitely malleable. In the words of the Abbé Raynal, the human race is what we wish to make it. Man has no nature in the precise sense which would set a limit to what he can make out of himself.³⁸

37. *Ibid.*, pp. 85, 89, 93-94, 98-99, 101, 102, 105-6, 109, 111, 115, 118, 157, 168. Morel (*op. cit.*, p. 156) points in the right direction by saying that Rousseau "substitue à la fabrication naturelle des idées générales, leur construction scientifiquement réfléchie" (cf. above, pp. 172-74). In Rousseau's model, Lucretius' poem (v. 1028-90), the genesis of language is described without any reference to a genesis of reason: reason belongs to man's natural constitution. In Rousseau, the genesis of language coincides with the genesis of reason (C.S., I, 8; Beaumont, pp. 444, 457).

38. Rousseau's contention that man is by nature good is deliberately ambiguous. It expresses two incompatible views—a rather traditional view and a thoroughly anti-traditional one. The first view can be stated as follows: Man is by nature good; he is bad through his own fault; almost all evils are of human origin: almost all evils are due to civilization; civilization has its root in pride, i.e., in the misuse of freedom. The practical consequence of this view is that men ought to bear the now inevitable evils of civilization in a spirit of patience and prayer. According to Rousseau, this view is based on belief in biblical revelation. In addition, natural man or man in the state of nature, as Rousseau describes him, is incapable of pride; hence pride cannot have been the reason for his leaving the state of nature (a state of innocence) or for his embarking on the venture of civilization. More generally expressed, natural man lacks freedom of will; hence he cannot misuse his freedom; natural man is characterized, not by freedom, but by perfectibility. Cf. *Second Discourse*, pp. 85, 89, 93-94, 102, 160; C.S., I, 8; cf. above, n. 32.

If man's humanity is acquired, that acquisition must be explained. In accordance with the requirements of a "physical investigation," man's humanity must be understood as a product of accidental causation. This problem had hardly existed for Hobbes. But it arose necessarily on the basis of his premises. He had distinguished between the natural or mechanical production of natural beings and the voluntary or arbitrary production of human constructs. He had conceived of the world of man as a kind of universe within the universe. He had conceived of man's leaving the state of nature and establishing civil society as a kind of revolt of man against nature. His notion of the whole required, however, as Spinoza had indicated, that the dualism of the state of nature and the state of civil society, or the dualism of the natural world and the world of man, be reduced to the monism of the natural world or that the transition from the state of nature to civil society, or man's revolt against nature, be understood as a natural process.³⁹ Hobbes had concealed from himself this necessity, partly because he erroneously assumed that presocial man is already a rational being, a being capable of making contracts. The transition from the state of nature to civil society therefore coincided for him with the conclusion of the social contract. But Rousseau was forced by his realization of the necessary implications of Hobbes's premises to conceive of that transition as consisting in, or at least as decisively prepared by, a natural process: man's leaving the state of nature, his embarking on the venture of civilization, is due not to a good or a bad use of his freedom or to essential necessity but to mechanical causation or to a series of natural accidents.

Man's humanity or rationality is acquired. Reason comes later than the elementary wants of the body. Reason emerges in the process of satisfying these wants. Originally, these simple and uniform wants are easily satisfied. But this very

39. Cf. Spinoza's criticism of Hobbes in *Ep.* 50 with *Tr. theol.-pol.*, chap. iv (beginning) and *Ethics* III praef.; cf. above, chap. v, A, n. 9.

fact leads to an enormous increase in population and thus renders difficult the satisfaction of the elementary wants. Man is therefore forced to think—to learn to think—in order to survive. Furthermore, the elementary wants are satisfied in different manners under different climatic and other conditions. The mind develops, therefore, in exact proportion to the particular manner in which the basic wants or their satisfaction are modified by particular circumstances. These circumstances mold men's thinking. Once thus molded, men develop new wants, and, in attempting to satisfy them, the mind develops further. The progress of the mind is then a necessary process. It is necessary because men are forced to invent by changes (formation of islands, eruption of volcanoes, and the like) which, although not directed toward an end and hence accidental, are yet the necessary effects of natural causes. Accident forces understanding and its development upon man. This being the character especially of the transition from the state of nature to civilized life, it is perhaps not surprising that the process of civilization should have been destructive of the sub-human bliss of the state of nature or that men should have committed grave errors in organizing societies. Yet all this misery and all these blunders were necessary; they were the necessary outcome of early man's lack of experience and lack of philosophy. Still, in and through society, however imperfect, reason develops. Eventually, the original lack of experience and of philosophy is overcome, and man succeeds in establishing public right on solid grounds.⁴⁰ At that moment, which is Rousseau's moment, man will no longer be molded by fortuitous circumstances but rather by his reason. Man, the product of blind fate, eventually becomes the seeing master of his fate. Reason's creativity or mastership over the blind forces of nature is a product of those blind forces.

In Rousseau's doctrine of the state of nature, the modern

40. *Second Discourse*, pp. 68, 74-75, 91, 94-96, 98-100, 116, 118-19, 123, 125, 127, 128, 130, 133, 135, 136, 141, 142, 145, 179; *Narcisse*, p. 54; *Julie*, p. 633 n.

natural right teaching reaches its critical stage. By thinking through that teaching, Rousseau was brought face to face with the necessity of abandoning it completely. If the state of nature is subhuman, it is absurd to go back to the state of nature in order to find in it the norm for man. Hobbes had denied that man has a natural end. He had believed that he could find a natural or nonarbitrary basis of right in man's beginnings. Rousseau showed that man's beginnings lack all human traits. On the basis of Hobbes's premise, therefore, it became necessary to abandon altogether the attempt to find the basis of right in nature, in human nature. And Rousseau seemed to have shown an alternative. For he had shown that what is characteristically human is not the gift of nature but is the outcome of what man did, or was forced to do, in order to overcome or to change nature: man's humanity is the product of the historical process. For a moment—the moment lasted longer than a century—it seemed possible to seek the standard of human action in the historical process. This solution presupposed that the historical process or its results are unambiguously preferable to the state of nature or that that process is "meaningful." Rousseau could not accept that presupposition. He realized that to the extent to which the historical process is accidental, it cannot supply man with a standard, and that, if that process has a hidden purpose, its purposefulness cannot be recognized except if there are trans-historical standards. The historical process cannot be recognized as progressive without previous knowledge of the end or purpose of the process. To be meaningful, the historical process must culminate in perfect knowledge of the true public right; man cannot be, or have become, the seeing master of his fate if he does not have such knowledge. It is, then, not knowledge of the historical process but knowledge of the true public right which supplies man with the true standard.

It has been suggested that Rousseau's predicament was due

to mere misunderstanding. In the academic teaching of his time, the state of nature was understood not as the condition in which man had actually lived in the beginning but as a mere "supposition": man in the state of nature is man with all his essential faculties duly developed but "considered" as subject only to the natural law, and therefore as the bearer of all those duties and rights and of only those duties and rights which derive from natural law; whether man actually ever lived in such a state in which he was not subject to any positive law is irrelevant. In the *Second Discourse* Rousseau himself alludes to this conception of the state of nature and seems to accept it. At the beginning of the *Social Contract* he seems to say that knowledge of the "historical" state of nature is irrelevant for the knowledge of natural right. Accordingly, his teaching about the state of nature would seem to have no other merit than that of having made abundantly clear the necessity of keeping completely separate from each other the two wholly unrelated meanings of the state of nature: the state of nature as man's original condition (and hence as a fact of the past) and the state of nature as the legal status of man as man (and hence as an abstraction or a supposition). In other words, Rousseau seems to be a somewhat unwilling witness to the fact that the academic natural right teaching was superior to the teachings of men like Hobbes and Locke.⁴¹ This criticism disregards the necessary connection between the question concerning the existence, as well as the content, of natural right and the question concerning the sanctions for natural right, the latter question being identical with the question of the status of man within the whole, or of man's origin. Rousseau is therefore not altogether wrong in saying that all political philosophers have felt the necessity to go back to the state of nature, i.e., to man's original condition; all political philosophers are forced

41. Moses Mendelssohn, *Gesammelte Schriften* (Jubilaeums-Ausgabe), II, 92; cf. *Second Discourse*, p. 83, and above, pp. 230-31.

to reflect upon whether and how far the demands of justice have a support which is independent of human enactments. Rousseau could not have returned to the academic natural right teaching of his time except by simply adopting the traditional natural theology on which that teaching was explicitly or implicitly based.⁴²

The character, as well as the content, of natural right may be decisively affected by the way in which the origin of man is conceived. This does not do away with the fact that natural right is addressed to man as he is now and not to the stupid animal which lived in Rousseau's state of nature. It is therefore difficult to understand how Rousseau could have based his natural right teaching on what he believed he knew of natural man or man in the state of nature. His conception of the state of nature points toward a natural right teaching which is no longer based on considerations of man's nature, or it points toward a law of reason which is no longer understood as a law of nature.⁴³ Rousseau may be said to have indicated the character of such a law of reason by his teaching concerning the general will, by a teaching which can be regarded as the outcome of the attempt to find a "realistic" substitute for the traditional natural law. According to that teaching, the limitation of human desires is affected, not by the ineffectual requirements of man's perfection, but by the recognition in all others of the same right which one claims for one's self; all others necessarily take an effective interest in the recognition of their rights, whereas no one, or but a few, take an effective interest in human perfection of other men. This being the case, my desire transforms itself into a rational desire by being "generalized," i.e., by being conceived as the content of a law which binds all members of society equally; a desire which survives

42. Cf. C.S., II, 6 (see chap. iii, n. 18, above). As for the connection between the C.S. and the *Second Discourse*, see nn. 26 and 32 above.

43. Cf. C.S., II, 4, and *Second Discourse*, p. 77

the test of "generalization" is, by this very fact, proved to be rational and hence just. By ceasing to conceive of the law of reason as a law of nature, Rousseau could have made his Socratic wisdom radically independent of natural science. Yet he did not take that step. The lesson which he had learned from Montesquieu counteracted in his thought the doctrinaire tendencies inherent in natural constitutional law; and extreme doctrinairism was the outcome of the attempt to make the law of reason radically independent of the knowledge of man's nature.⁴⁴

The conclusions regarding the state of nature which Rousseau drew from Hobbes's premises seemed to suggest a return to the conception of man as a social animal. There was a further reason why Rousseau might have returned to that conception. According to Hobbes, all virtues and duties arise from the concern with self-preservation alone and hence immediately from calculation. Rousseau, however, felt that calculation or self-interest is not strong enough as the bond of society and not profound enough as the root of society. Yet he refused to admit that man is by nature a social being. He thought that the root of society can be found in human passions or sentiments as distinguished from a fundamental sociality of man. His reason can be stated as follows: If society is natural, it is not essentially based on the wills of the individuals; it is essentially nature, and not a man's will, which makes him a member of society. On the other hand, the primacy of the individ-

44. Rousseau agrees with the classics by explicitly agreeing with the "principle established by Montesquieu" that "liberty not being a fruit of all climates, is not within the reach of all peoples" (*C.S.*, III, 8). Acceptance of this principle explains the moderate character of most of Rousseau's proposals which were meant for immediate application. Deviating from Montesquieu and the classics, Rousseau teaches, however, that "every legitimate government is republican" (II, 6) and hence that almost all existing regimes are illegitimate: "very few nations have laws" (III, 15). This amounts to saying that in many cases despotic regimes are inevitable, without becoming, by this fact, legitimate: the strangling of a sultan is as lawful as all governmental actions of the sultan (*Second Discourse*, p. 149).

ual in relation to society is preserved if the place which Hobbes had assigned to calculation or self-interest is assigned to passion or sentiment. Rousseau refused, then, to return to the conception of man as a social animal because he was concerned with the radical independence of the individual, i.e., of every human being. He retained the notion of the state of nature because the state of nature guaranteed the individual's radical independence. He retained the notion of the state of nature because he was concerned with such a natural standard as favored in the highest possible degree the independence of the individual.⁴⁵

Rousseau could not have maintained the notion of the state of nature if the depreciation or ex-inanition of the state of nature which he unintentionally effected had not been outweighed in his thought by a corresponding increase in the importance of independence or freedom, i.e., of the most characteristic feature of man in the state of nature. In Hobbes's doctrine, freedom, or the right of everyone to be the sole judge of the means conducive to his self-preservation, had been subordinate to self-preservation; in the case of conflict between freedom and self-preservation, self-preservation takes precedence. According to Rousseau, however, freedom is a higher good than life. In fact, he tends to identify freedom with virtue or with goodness. He says that freedom is obedience to the law which one has given to one's self. This means, in the first place, that not merely obedience to the law but legislation itself must originate in the individual. It means, secondly, that freedom is not so much either the condition or the consequence of virtue as virtue itself. What is true of virtue can also be said of goodness, which Rousseau distinguished from virtue: freedom is identical with goodness; to be free, or to be one's self, is to be good—this is one meaning of his thesis that man is by nature good. Above all, he suggests that the traditional defini-

45. Hachette, I, 374; *Émile*, I, 286-87, 306, II, 44-45.

tion of man be replaced by a new definition according to which not rationality but freedom is the specific distinction of man.⁴⁶ Rousseau may be said to have originated "the philosophy of freedom." The connection between the developed form of "the philosophy of freedom," i.e., German idealism, and Rousseau, and hence Hobbes, was realized by no one more clearly than by Hegel. Hegel noted the kinship between Kant's and Fichte's idealism and "the anti-socialistic systems of natural right," i.e., those natural right doctrines which deny man's natural sociality and "posit the being of the individual as the first and highest thing."⁴⁷

"The anti-socialistic systems of natural right" had emerged by virtue of a transformation of Epicureanism. According to the Epicurean doctrine, the individual is by nature free from all social bonds because the natural good is identical with the pleasant, i.e., fundamentally with what is pleasant to the body. But, according to the same doctrine, the individual is by nature kept within definite bounds because there is a natural limit to pleasure, namely, the greatest or highest pleasure: endless striving is against nature. Hobbes's transformation of Epicureanism implied the liberation of the individual not only from all social bonds which do not originate in his will but also from any natural end. Rejecting the notion of a natural end of a man, he no longer understood by the "good life" of the individual his compliance with, or assimilation to, a universal pattern which is apprehended before it is willed. He

46. *Second Discourse*, pp. 93 (cf. Spinoza, *Ethics*, III, 9 schol.), 116, 130, 138, 140-41, 151; C.S., I, 1 (beginning), 4, 8, 11 (beginning); III, 9 n. (end). Cf. the headings of the first two parts of Hobbes's *De cive*; also Locke, *Treatises*, II, secs. 4, 23, 95, 123.

47. "Wissenschaftliche Behandlungsarten des Naturrechts," *Schriften zur Politik und Rechtsphilosophie*, ed. Lasson, pp. 346-47: "In einer niedrigeren Abstraktion ist die Unendlichkeit zwar auch als Absolutheit des Subjekts in der Glückseligkeitslehre überhaupt, und im Naturrecht insbesondere von den Systemen, welche anti-sozialistisch heissen und das Sein des einzelnen als das Erste und Höchste setzen, herausgehoben, aber nicht in die reine Abstraktion, welche sie in dem Kantischen oder Fichteschen Idealismus erhalten hat." Cf. Hegel's *Encyclopädie*, secs. 481-82.

conceived of the good life in terms of man's beginnings or of man's natural right as distinguished from his duty or perfection or virtue. Natural right, as he understood it, canalizes rather than limits infinite desire: that infinite desire for power after power which originates in the concern with self-preservation becomes identical with the legitimate pursuit of happiness. Natural right thus understood leads only to conditional duties and to mercenary virtue. Rousseau was satisfied that happiness as Hobbes understood it is indistinguishable from constant misery⁴⁸ and that Hobbes's and Locke's "utilitarian" understanding of morality is inadequate: morality must have a more solid support than calculation. In trying to restore an adequate understanding of happiness and of morality, he had recourse to a considerably modified version of traditional natural theology, but he felt that even that version of natural theology was exposed to "insoluble objections."⁴⁹ To the extent to which he was impressed by the power of these objections, he was compelled to attempt to understand human life by starting from the Hobbesian notion of the primacy of right or of freedom as distinguished from the primacy of perfection or virtue or duty. He attempted to graft the notion of unconditional duties and of nonmercenary virtue onto the Hobbesian notion of the primacy of freedom or of rights. He admitted, as it were, that duties must be conceived of as derivative from rights or that there is no natural law, properly speaking, which antedates the human will. Yet he sensed that the basic right in question cannot be the right of self-preservation, i.e., a right which leads only to conditional duties and which is itself derivative from an impulse that man shares with the brutes. If morality or humanity were to be understood adequately, they had to be traced to a right or a freedom which is radically and specifically human. Hobbes had implicitly ad-

48. *Second Discourse*, pp. 104-5, 122, 126, 147, 160-63; cf. also *Émile*, I, 286-87.

49. Cf. n. 28 above.

mitted the existence of such a freedom. For he had implicitly admitted that if the traditional dualism of substances, of mind and of body, is abandoned, science cannot be possible except if meaning, order, or truth originates solely in man's creative action, or if man has the freedom of a creator.⁵⁰ Hobbes was, in fact, compelled to replace the traditional dualism of body and mind, not by materialistic monism, but by the novel dualism of nature (or substance) and freedom. What Hobbes had, in fact, suggested in regard to science was applied by Rousseau to morality. He tended to conceive of the fundamental freedom, or of the fundamental right, as such a creative act as issues in the establishment of unconditional duties and in nothing else: freedom is essentially self-legislation. The ultimate outcome of this attempt was the substitution of freedom for virtue or the view that it is not virtue which makes man free but freedom which makes man virtuous.

It is true that Rousseau distinguishes true freedom or moral freedom, which consists in obedience to the law that one has given to one's self and which presupposes civil society, not only from civil freedom but, above all, from the natural freedom which belongs to the state of nature, i.e., to a state characterized by the rule of blind appetite and hence by slavery in the moral sense of the term. But it is also true that he blurs these distinctions. For he also says that in civil society everyone "obeys only himself and remains as free as he was before," i.e., as he was in the state of nature. This means that natural freedom remains the model for civil freedom, just as natural equality remains the model for civil equality.⁵¹ Civil freedom, in its turn, being in a way obedience to one's self alone, certainly comes very close to moral freedom. The blurring of the distinctions between natural freedom, civil freedom, and moral

50. See pp. 172-74 above.

51. *C.S.*, I, 6, 8; *Second Discourse*, p. 65. As for the ambiguity of "freedom," cf. also *Second Discourse*, pp. 138-41.

freedom is no accidental error: the novel understanding of moral freedom originated in the notion that the primary moral phenomenon is the freedom of the state of nature. At any rate, the enhancement of the status of "freedom" gives the almost exploded notion of the state of nature a new lease on life in Rousseau's doctrine.

In Hobbes's and Locke's doctrines, the state of nature had been, as one might say, a negative standard: the state of nature is characterized by such a self-contradiction as points to one and only one sufficient solution, which is "the mighty leviathan" whose "blood is money." Rousseau, however, thought that civil society as such, to say nothing of civil society as Hobbes and Locke had conceived of it, is characterized by a fundamental self-contradiction and that it is precisely the state of nature which is free from self-contradiction; man in the state of nature is happy because he is radically independent, whereas man in civil society is unhappy because he is radically dependent. Civil society must therefore be transcended in the direction not of man's highest end but of his beginning, of his earliest past. Thus the state of nature tended to become for Rousseau a positive standard. Yet he admitted that accidental necessity had forced man to leave the state of nature and has transformed him in such a manner as to incapacitate him forever for a return to that blessed state. Hence Rousseau's answer to the question of the good life takes on this form: the good life consists in the closest approximation to the state of nature which is possible on the level of humanity.⁵²

On the political plane that closest approximation is achieved by a society which is constructed in conformity with the requirements of the social contract. Like Hobbes and Locke, Rousseau starts from the premise that in the state of nature all men are free and equal and that the fundamental desire is the

52. *Second Discourse*, pp. 65, 104-5, 117-18, 122, 125-26, 147, 151, 160-63, 177-79; *Julie*, p. 385; *C.S.*, II, 11; III, 15; *Émile*, II, 125.

desire for self-preservation. Deviating from his predecessors, he contends that at the beginning, or in the original state of nature, the promptings of the desire for self-preservation were tempered by compassion and that the original state of nature was considerably changed through accidental necessity, prior to man's entering civil society; civil society becomes necessary or possible only in a very late stage of the state of nature. The decisive change which took place within the state of nature consisted in the weakening of compassion. Compassion was weakened because of the emergence of vanity or pride and ultimately because of the emergence of inequality and therefore of the dependence of man on his fellows. As a consequence of this development, self-preservation became increasingly difficult. Once the critical point is reached, self-preservation demands the introduction of an artificial substitute for natural compassion, or of a conventional substitute for that natural freedom and that natural equality which existed at the beginning. It is the self-preservation of everyone which requires that the closest possible approximation to original freedom and equality be achieved within society.⁵³

The root of civil society must then be sought exclusively in the desire for self-preservation or in the right of self-preservation. The right to self-preservation implies the right to the means required for self-preservation. Accordingly, there exists a natural right to appropriation. Everyone has by nature the right to appropriate to himself what he needs of the fruits of the earth. Everyone may acquire through his labor, and only through his labor, an exclusive right to the produce of the land which he has cultivated, and therewith an exclusive right to the land itself, at least until the next harvest. Continuous cultivation may even legitimate continuous possession of the land cultivated, but it does not create property right in that

53. *Second Discourse*, pp. 65, 75, 77, 81, 109-10, 115, 118, 120, 125, 129, 130, 134; C.S., I, 6 (beginning); I, 2.

land; property right is the creation of positive law; prior to the sanction by positive law, land is usurped, i.e., acquired by force, and not truly owned. Otherwise, natural right would hallow the right of the first occupier to the detriment of the right of self-preservation of those who, perhaps through no fault of their own, failed to take possession of land; the poor retain the natural right to acquire as free men what they need for self-preservation. If they are unable to appropriate what they need by cultivating a plot of their own because everything has already been appropriated by others, they may use force. Thus a conflict arises between the right of the first occupiers and the right of those who must rely on force. The need for appropriation of the necessities of life transforms the latest stage of the state of nature into the most horrible state of war. Once this point has been reached, it is to the interest of everyone, of the poor as well as of the rich, that right should succeed to violence, i.e., that peace be guaranteed through convention or compact. This amounts to saying that "according to the maxim of the wise Locke, there could not be injustice where there is no property" or that in the state of nature everyone has "an unlimited right to everything which tempts him and which he can get." The compact which is at the basis of factual societies transformed men's factual possessions as they existed at the end of the state of nature into genuine property. It therefore sanctioned earlier usurpation. Factual society rests on a fraud perpetrated by the rich against the poor: political power rests on "economic" power. No improvement can ever cure this original defect of civil society; it is inevitable that the law should favor the haves against the have-nots. Yet, in spite of this, the self-preservation of everyone requires that the social contract be concluded and kept.⁵⁴

The social contract would endanger the individual's self-preservation if it did not allow him to remain the judge of the

54. *Second Discourse*, pp. 82, 106, 117, 118, 125, 128-29, 131-35, 141, 145, 152; C.S., I, 2, 8, 9; II, 4 (toward the end); *Émile*, I, 309; II, 300.

means required for his self-preservation or to remain as free as he was before. On the other hand, it is of the essence of civil society that private judgment be replaced by public judgment. These conflicting demands are reconciled, as far as they can be reconciled, if those public judgments which issue in executive action conform strictly with law, if those public judgments which are laws are the work of the citizen body, and if every adult male who is subject to the laws can have influenced their content through his vote. Voting on a law means to conceive of the object of one's private or natural will as the object of a law which is binding on all equally and benefits all equally, or to restrict one's selfish desire by considering the undesirable consequences which would follow if everyone else indulged his selfish desire as well. Legislation by the all-inclusive citizen body is therefore the conventional substitute for natural compassion. The citizen is indeed less free than man in the state of nature, since he cannot follow his unqualified private judgment, but he is freer than man in the state of nature, since he is habitually protected by his fellows. The citizen is as free as man in the (original) state of nature, since, being subject only to the law or to the public will or to the general will, he is not subject to the private will of any other man. But if every kind of personal dependence or of "private government" is to be avoided, everyone and everything must be subject to the general will; the social contract requires "the total alienation of each associate, with all his rights, to the whole community" or the transformation of "every individual who by himself is a perfect and solitary whole into a part of a greater whole from which, in a sense, that individual receives his life and his being." In order to remain as free in society as he was before, man must become completely "collectivized" or "denaturalized."⁵⁵

55. *C.S.*, I, 6, 7; II, 2-4, 7; *Émile*, I, 13. The discussion of the social contract in the *Second Discourse* is admittedly provisional (p. 141).

Freedom in society is possible only by virtue of the complete surrender of everyone (and in particular of the government) to the will of a free society. By surrendering all his rights to society, man loses the right to appeal from the verdicts of society, i.e., from the positive law, to natural right: all rights become social rights. Free society rests and depends upon the absorption of natural right by positive law. Natural right is legitimately absorbed by the positive law of a society which is constructed in accordance with natural right. The general will takes the place of the natural law. "By the very fact that he is, the sovereign is always what he ought to be."⁵⁶

Rousseau sometimes called the free society as he conceived of it a "democracy." Democracy is closer to the equality of the state of nature than is any other regime. Yet democracy must be "wisely tempered." While everyone must have a vote, the votes must be "arranged" in such a manner as to favor the middle class and the rural population as against *la canaille* of the big towns. Otherwise, those who have nothing to lose might sell freedom for bread.⁵⁷

The absorption of natural right by the positive law of a properly qualified democracy would be defensible if there were a guaranty that the general will—and this means, for all practical purposes, the will of the legal majority—could not err. The general will or the will of the people never errs in so far as it always wills the good of the people, but the people do not always see the good of the people. The general will is therefore in need of enlightenment. Enlightened individuals may see the good of society, but there is no guaranty that they will espouse it if it conflicts with their private good. Calculation

56. C.S., I, 7; II, 3, 6. Cf. *ibid.*, II, 12 ("Division of Laws") with the parallels in Hobbes, Locke, and Montesquieu, to say nothing of Hooker and Suarez; Rousseau does not even mention natural law.

57. *Second Discourse*, pp. 66, 143; *Julie*, pp. 470–71; C.S., IV, 4; *Montagne*, pp. 252, 300–301. Cf. Rousseau's criticism of the aristocratic principle of the classics in *Narcisse*, pp. 50–51, and in the *Second Discourse*, pp. 179–80.

and self-interest are not strong enough as social bonds. Both the people as a whole and the individuals are then equally in need of a guide; the people must be taught to know what it wills, and the individual, who as a natural being is concerned exclusively with his private good, must be transformed into a citizen who unhesitatingly prefers the common good to his private good. The solution of this twofold problem is supplied by the legislator, or the father of a nation, i.e., by a man of superior intelligence, who, by ascribing divine origin to a code which he has devised or by honoring the gods with his own wisdom, both convinces the people of the goodness of the laws which he submits to its vote and transforms the individual from a natural being into a citizen. Only by the action of the legislator can the conventional acquire, if not the status, at least the force, of the natural. It goes without saying that the arguments by which the legislator convinces the citizens of his divine mission or of the divine sanction for his code are necessarily of doubtful solidity. One might think that, once the code were ratified, a "social spirit" developed, and the wise legislation accepted on account of its proved wisdom rather than its pretended origin, the belief in the superhuman origin of the code would no longer be required. But this suggestion overlooks the fact that the living respect for old laws, "the prejudice of antiquity" which is indispensable for the health of society, can only with difficulty survive the public questioning of the accounts regarding their origin. In other words, the transformation of natural man into a citizen is a problem coeval with society itself, and therefore society has a continuous need for at least an equivalent to the mysterious and awe-inspiring action of the legislator. For society can be healthy only if the opinions and sentiments engendered by society overcome and, as it were, annihilate the natural sentiments. That is to say, society must do everything possible to render the citizens oblivious of the very facts that political

philosophy brings to the center of their attention as the foundations of society. Free society stands or falls by a specific obfuscation against which philosophy necessarily revolts. The problem posed by political philosophy must be forgotten if the solution to which political philosophy leads is to work.⁵⁸

It is true, no doubt, that Rousseau's doctrine of the legislator is meant to clarify the fundamental problem of civil society rather than to suggest a practical solution, except in so far as that doctrine adumbrates Rousseau's own function. The precise reason why he had to abandon the classical notion of the legislator was that that notion is liable to obscure the sovereignty of the people, i.e., to lead, for all practical purposes, to the substitution of the supremacy of the law for the full sovereignty of the people. The classical notion of the legislator is irreconcilable with Rousseau's notion of freedom which leads to the demand for periodic appeals from the whole established order to the sovereign will of the people or from the will of past generations to the will of the living generation. Rousseau, therefore, had to find a substitute for the action of the legislator. According to his final suggestion, the function originally intrusted to the legislator must be discharged by a civil religion described from somewhat different points of view in the *Social Contract*, on the one hand, and the *Émile*, on the other. Only the civil religion will engender the sentiments required of the citizen. We need not go into the question of whether Rousseau himself fully subscribed to the religion which he presented in the profession of faith of the Savoyard vicar, a question that cannot be answered by reference to what he said when he was persecuted on account of that profession. What is decisive is the fact that, according to his explicit views about the relation of knowledge, faith, and the people,

58. *Narcisse*, p. 56; *Second Discourse*, pp. 66-67, 143; C.S., II, 3, 6-7; III, 2, 11. Compare the reference to miracles in the chapter on the legislator (C.S., II, 7) with the explicit discussion of the problem of miracles in *Montagne*, ii-iii.

the people cannot have more than opinion regarding the truth of this or any other religion. One may even wonder whether any human being can have any genuine knowledge in this respect, since the religion preached by the Savoyard vicar is exposed to "insoluble objections." Therefore, every civil religion would seem, in the last analysis, to have the same character as the legislator's account of the origin of his code, at least in so far as both are essentially endangered by the "dangerous pyrrhonism" fostered by science; the "insoluble objections" to which even the best of all religions is exposed are dangerous truths. Precisely a free society cannot exist if he who doubts the fundamental dogma of the civil religion does not outwardly conform.⁵⁹

Apart from the civil religion, the equivalent to the action of the early legislator is custom. Custom, too, socializes the wills of the individuals independently of the generalization of the wills which takes place in the act of legislation. Law is even preceded by custom. For civil society is preceded by the nation or the tribe, i.e., a group which is kept together by customs arising from the fact that all members of the group are exposed to, and molded by, the same natural influences. The pre-political nation is more natural than civil society, since natural causes are more effective in its production than in the genesis of civil society, which is produced by contract. The nation is closer to the original state of nature than is civil society, and therefore it is in important respects superior to civil society. Civil society will approximate the state of nature on the level of humanity to a higher degree, or it will be more healthy, if it rests on the almost natural basis of nationality or if it has a national individuality. National custom or national cohesion is a deeper root of civil society than are calculation and self-interest and hence than the social contract. National

59. *Julie*, pp. 502-6; *C.S.*, IV, 8; *Beaumont*, p. 479; *Montagne*, pp. 121-36, 180; cf. also n. 28 above.

custom and national "philosophy" are the matrix of the general will, just as feeling is the matrix of reason. Hence the past, and especially the early past, of one's own nation tends to become of higher dignity than any cosmopolitan aspirations. If man's humanity is acquired by accidental causation, that humanity will be radically different from nation to nation and from age to age.⁶⁰

It is not surprising that Rousseau did not regard the free society as he conceived of it as the solution to the human problem. Even if that society met the requirements of freedom more nearly than did any other society, what would follow would simply be that true freedom must be sought beyond civil society. If civil society and duty are coextensive, as Rousseau suggests, human freedom must be sought even beyond duty or virtue. With a view to the connection between virtue and civil society, as well as to the problematic character of the relation between virtue and happiness, Rousseau made a distinction between virtue and goodness. Virtue presupposes effort and habituation; it is primarily a burden, and its demands are harsh. Goodness, i.e., the desire to do good or at least the complete absence of a desire to do harm, is simply natural; the pleasures of goodness come immediately from nature; goodness is immediately connected with the natural sentiment of compassion; it belongs to the heart rather than to conscience or reason. Rousseau taught, indeed, that virtue is superior to goodness. Yet the ambiguity of his notion of freedom, or, in other words, his longing for the happiness of prepolitical life, makes that teaching questionable from his own point of view.⁶¹

60. *Narcisse*, p. 56; *Second Discourse*, pp. 66-67, 74, 123, 125, 150, 169-70; C.S., II, 8, 10, 12; III, 1; *Émile*, II, 287-88; *Pologne*, chaps. ii-iii; cf. also Alfred Cobban, *Rousseau and the Modern State* (London, 1934), p. 284.

61. Cf. especially C.S., I, 8, and II, 11; *Second Discourse*, pp. 125-26, 150; *Julie*, pp. 222, 274, 277; *Émile*, II, 48, 274-75; *Confessions*, II, 182, 259, 303; III, 43; *Réveries*, vi.

From this we can understand Rousseau's attitude toward the family or, more precisely, toward conjugal and paternal love as well as toward heterosexual love simply. Love is closer to the original state of nature than is civil society, duty, or virtue. Love is simply incompatible with compulsion and even self-compulsion; it is free or it is not. It is for this reason that conjugal and paternal love can be "the sweetest sentiments," or even "the sweetest sentiments of nature," "which are known to man" and that heterosexual love simply can be "the sweetest of passions" or "the most delicious sentiment which can enter the human heart." These sentiments give rise to "rights of the blood" and "rights of love"; they create bonds which are more sacred than any man-made bonds. Through love, man achieves a closer approximation to the state of nature on the level of humanity than he does through a life of citizenship or virtue. Rousseau returns from the classical city to the family and the loving couple. Using his own language, we may say that he returns from the concern of the citizen to the noblest concern of the bourgeois.⁶²

Yet, at least according to that writing of Rousseau in which he revealed his principles "with the greatest boldness, not to say audacity," there is an element of the conventional or of the factitious even in love.⁶³ Love being a social phenomenon and man being by nature asocial, it becomes necessary to consider whether the solitary individual is not capable of the closest approximation to the state of nature which is possible on the level of humanity. Rousseau has spoken in glowing terms of the charms and raptures of solitary contemplation. By "solitary contemplation" he does not understand philosophy or the culmination of philosophy. Solitary contemplation, as he understands it, is altogether different from, not to say hostile to,

62. *Second Discourse*, pp. 122, 124; *D'Alembert*, pp. 256-57; *Julie*, pp. 261, 331, 392, 411 (cf. also pp. 76, 147-48, 152, 174 n., 193, 273-75); *Réveries*, x (p. 164).

63. *Second Discourse*, pp. 111, 139.

thinking or observation. It consists of, or it leads up to, "the feeling of existence," i.e., the pleasant feeling of one's own existence. If man has withdrawn from everything outside himself, if he has emptied himself of every affection other than the feeling of existence, he enjoys the supreme felicity—godlike self-sufficiency and impassibility; he finds consolation only in himself by being fully himself and by belonging fully to himself, since the past and the future are extinguished for him. It is in giving himself completely to this feeling that civilized man completes the return to the primitive state of nature on the level of humanity. For, whereas sociable man derives the feeling of his existence, as it were, exclusively from the opinions of his fellows, natural man—indeed even the savage—feels his existence naturally; he gives himself "to the sole feeling of his present existence without any idea of the future." The feeling of existence is "man's first feeling." It is more fundamental than the desire for self-preservation; man is concerned with the preservation of his existence because existence itself, mere existence, is by nature pleasant.⁶⁴

The feeling of existence as Rousseau experienced and described it has a rich articulation which must have been lacking in the feeling of existence as it was experienced by man in the state of nature. Here at last civilized man or those civilized men who have returned from civil society to solitude reach a degree of happiness of which the stupid animal must have been utterly incapable. In the last analysis it is only this superiority of civilized man, or of the best among civilized men, which permits Rousseau to contend without hesitation that, while the emergence of civil society was bad for the human species or for the common good, it was good for the individual.⁶⁵ The ultimate justification of civil society is, then, the fact that it allows a certain type of individual to enjoy the supreme felicity by withdrawing from civil society, i.e., by living at its

64. *Ibid.*, pp. 96, 118, 151, 165; *Émile*, I, 286; *Rêveries*, V and VII. See above, pp. 261–62.

65. *Second Discourse*, pp. 84, 116, 125–26; *Beaumont*, p. 471.

fringes. Whereas in the earliest of his important writings the citizen of Geneva had said that "every useless citizen may be regarded as a pernicious man," he says in his last writing that he himself always was indeed a useless citizen, yet that his contemporaries have done wrong in proscribing him from society as a pernicious member, instead of merely removing him from society as a useless member.⁶⁶ The type of man foreshadowed by Rousseau, which justifies civil society by transcending it, is no longer the philosopher but what later came to be called the "artist." His claim to privileged treatment is based on his sensitivity rather than on his wisdom, on his goodness or compassion rather than on his virtue. He admits the precarious character of his claim: he is a citizen with a bad conscience. Yet, since his conscience accuses not merely himself but at the same time the society to which he belongs, he is inclined to regard himself as the conscience of society. But he is bound to have a bad conscience for being the bad conscience of society.

One must contrast the dreamlike character of Rousseau's solitary contemplation with the wakefulness of philosophic contemplation. In addition, one must take into consideration the insoluble conflict between the presuppositions of his solitary contemplation and his natural theology (and therewith the morality based on that theology). Then one realizes that the claim which he raises on behalf of the individual, or of some rare individuals, over against society lacks clarity and definiteness. More precisely, the definiteness of the act of claiming contrasts sharply with the indefiniteness of the content of the claim. This is not surprising. The notion that the good life consists in the return on the level of humanity to the state of nature, i.e., to a state which completely lacks all human traits, necessarily leads to the consequence that the individual claims such an ultimate freedom from society as lacks any definite human content. But this fundamental defect of the

66. *First Discourse*, p. 131; *Réveries*, VI (end).

state of nature as the goal of human aspiration was in Rousseau's eyes its perfect justification: the very indefiniteness of the state of nature as a goal of human aspiration made that state the ideal vehicle of freedom. To have a reservation against society in the name of the state of nature means to have a reservation against society without being either compelled or able to indicate the way of life or the cause or the pursuit for the sake of which that reservation is made. The notion of a return to the state of nature on the level of humanity was the ideal basis for claiming a freedom from society which is not a freedom for something. It was the ideal basis for an appeal from society to something indefinite and undefinable, to an ultimate sanctity of the individual as individual, unredeemed and unjustified. This was precisely what freedom came to mean for a considerable number of men. Every freedom which is freedom for something, every freedom which is justified by reference to something higher than the individual or than man as mere man, necessarily restricts freedom or, which is the same thing, establishes a tenable distinction between freedom and license. It makes freedom conditional on the purpose for which it is claimed. Rousseau is distinguished from many of his followers by the fact that he still saw clearly the disproportion between this undefined and undefinable freedom and the requirements of civil society. As he confessed at the end of his career, no book attracted and profited him as much as the writings of Plutarch.⁶⁷ The solitary dreamer still bowed to Plutarch's heroes.

B. BURKE

The difficulties into which Rousseau was led by accepting and thinking through the modern natural right teaching might have suggested a return to the premodern conception of natural right. Such a return was attempted, at the last minute,

67. *Réveries*, IV (beginning).

as it were, by Edmund Burke. Burke sided with Cicero and with Suarez against Hobbes and against Rousseau. "We continue, as in the last two ages, to read, more generally than I believe is now done on the Continent, the authors of sound antiquity. These occupy our minds." Burke sided with "the authors of sound antiquity" against "the Parisian philosophers" and especially against Rousseau, the originators of a "new morality" or "the bold experimenters in morality." He repudiated with scorn "that philosophy which pretends to have made discoveries in the *terra australis* of morality."⁶⁸ His political activity was indeed guided by devotion to the British constitution, but he conceived of the British constitution in a spirit akin to that in which Cicero had conceived of the Roman polity.

Burke did not write a single theoretical work on the principles of politics. All his utterances on natural right occur in statements *ad hominem* and are meant to serve immediately a specific practical purpose. Accordingly, his presentation of political principles changed, to a certain degree, with the change of the political situation. Hence he might easily appear to have been inconsistent. In fact, he adhered throughout his career to the same principles. A single faith animated his actions in favor of the American colonists, in favor of the Irish Catholics, against Warren Hastings, and against the French Revolution. In accordance with the eminently practical bent of his thought, he stated his principles most forcefully and most clearly when such a statement was most urgently needed, i.e., when these principles were attacked both most intransigently and most effectively—after the outbreak of the French Revolution. The French Revolution affected his expectations in regard to the future progress of Europe; but it hardly af-

68. *The Works of Edmund Burke* ("Bohn's Standard Library"), II, 385, 529, 535, 541; VI, 21-23. Cited hereafter as "*Works*."

fectured, it hardly did more than confirm, his views of what is right or wrong both morally and politically.⁶⁹

The practical character of Burke's thought partly explains why he did not hesitate to use the language of modern natural right whenever that could assist him in persuading his modern audience of the soundness of a policy which he recommended. He spoke of the state of nature, of the rights of nature or of the rights of man, and of the social compact or of the artificial character of the commonwealth.⁷⁰ But he may be said to integrate these notions into a classical or Thomistic framework.

We must confine ourselves to a few examples. Burke is willing to grant that men in the state of nature, "uncovenanted" men, have natural rights; in the state of nature, everyone has "the right of self-defense, the first law of nature," the right to govern himself, i.e., "to judge for himself, and to assert his own cause," and even "a right to every thing." But "by having a right to every thing, they want every thing." The state of nature is the state of "our naked, shivering nature" or of our nature not yet affected in any way by our virtues, or of original barbarism. Hence the state of nature and "the full rights of men" which belong to it cannot supply the standard for civilized life. All wants of our nature—certainly, all higher wants of our nature—point away from the state of nature toward civil society: not "the state of rude nature" but civil society is the true state of nature. Burke grants that civil society is "the offspring of convention" or "a contract." But it is "a contract," "a partnership" of a particular kind—"a partnership in every virtue, and in all perfection." It is a contract in

69. *Ibid.*, II, 59–62; III, 104; VI, 144–53. As regards the issue of progress, cf. II, 156; III, 279, 366; VI, 31, 106; VII, 23, 58; VIII, 439; *Letters of Edmund Burke: A Selection*, ed. Harold J. Laski, p. 363 (cited hereafter as "*Letters*"); cf. also *Burke, Select Works*, ed. E. J. Payne, II, 345.

70. Cf., e.g., *Works*, I, 314, 348, 470; II, 19, 29–30, 145, 294–95, 331–33, 366; III, 82; V, 153, 177, 216; VI, 29.

almost the same sense in which the whole providential order, "the great primeval contract of eternal society," can be said to be a contract.⁷¹

Burke admits that the purpose of civil society is to safeguard the rights of man and especially the right to the pursuit of happiness. But happiness can be found only by virtue, by the restraints "which are imposed by the virtues upon the passions." Hence the subjection to reason, to government, to law, or "the restraints on men, as well as their liberties, are to be reckoned among their rights." Man can never act "without any moral tie," since "men are never in a state of total independence of each other." Man's will must always be under the dominion of reason, prudence, or virtue. Burke therefore seeks the foundation of government "in a conformity to our duties" and not in "imaginary rights of men." Accordingly, he denies the contention that all our duties arise from consent or from contract.⁷²

The discussion regarding the "imaginary rights of men" centers on the right of everyone to be the sole judge of what is conducive to his self-preservation or to his happiness. It was this alleged right which seemed to justify the demand that everyone must have some share, and, in a sense, as large a share as anyone else, in political power. Burke questions this demand by going back to the principle on which the alleged basic right is founded. He grants that everyone has a natural right to self-preservation and to the pursuit of happiness. But he denies that everyone's right to self-preservation and to the pursuit of happiness becomes nugatory if everyone does not have the right to judge of the means conducive to his self-preservation and to his happiness. The right to the satisfaction of wants or to the advantages of society is therefore not necessarily a right to participation in political power. For the judg-

71. *Ibid.*, II, 220, 332-33, 349, 368-70; III, 82, 86; V, 212, 315, 498.

72. *Ibid.*, II, 310, 331, 333, 538; III, 109; V, 80, 122, 216, 424.

ment of the many, or "the will of the many, and their interest, must very often differ." Political power or participation in political power does not belong to the rights of man, because men have a right to good government, and there is no necessary connection between good government and government by the many; the rights of man, properly understood, point toward the predominance of the "true natural aristocracy" and therewith to the predominance of property and especially landed property. In other words, everyone is indeed able to judge properly of grievances by his feelings, provided that he is not seduced by agitators into judging of grievances by his imagination. But the causes of grievances "are not matters of feeling, but of reason and foresight, and often of remote considerations, and of a very great combination of circumstances, which [the majority] are utterly incapable of comprehending." Burke therefore seeks the foundation of government not in "imaginary rights of men" but "in a provision for our wants, and in a conformity to our duties." Accordingly, he denies that natural right by itself can tell much about the legitimacy of a given constitution: that constitution is legitimate in a given society which is most suitable to the provision for human wants and to the promotion of virtue in that society; its suitability cannot be determined by natural right but only by experience.⁷³

Burke does not reject the view that all authority has its ultimate origin in the people or that the sovereign is ultimately the people or that all authority is ultimately derived from a compact of previously "uncovenanted" men. But he denies that these ultimate truths, or half-truths, are politically relevant. "If civil society be the offspring of convention, that convention must be its law." For almost all practical purposes,

73. *Ibid.*, I, 311, 447; II, 92, 121, 138, 177, 310, 322-25, 328, 330-33, 335; III, 44-45, 78, 85-86, 98-99, 109, 352, 358, 492-93; V, 202, 207, 226-27, 322-23, 342; VI, 20-21, 146.

the convention, the original compact, i.e., the established constitution, is the highest authority. Since the function of civil society is the satisfaction of wants, the established constitution derives its authority less from the original convention or from its origin than from its beneficent working through many generations or from its fruits. The root of legitimacy is not so much consent or contract as proved beneficence, i.e., prescription. Only prescription, as distinguished from the original compact of "uncovenanted" savages, can reveal the wisdom of the constitution and therefore legitimate the constitution. The habits produced on the basis of the original compact, and especially the habits of virtue, are infinitely more important than the original act itself. Only prescription, as distinguished from the original act, can hallow a given social order. The people is so little the master of the constitution that it is its creature. The strict notion of the sovereignty of the people implies that the present generation is sovereign: "present expediency" becomes the only "principle of attachment" to the constitution. "The temporary possessors and life-renters" in the commonwealth, "unmindful of what they have received from their ancestors," inevitably become unmindful "of what is due to their posterity." The people, or for that matter any other sovereign, is still less master of the natural law; natural law is not absorbed by the will of the sovereign or by the general will. As a consequence, the distinction between just and unjust wars retains its full significance for Burke; he abhors the notion that one should determine the foreign policy of a nation exclusively in terms of its "material interest."⁷⁴

Burke does not deny that under certain conditions the people may alter the established order. But he admits this only as an

74. *Ibid.*, II, 58, 167, 178, 296, 305-6, 331-32, 335, 349, 359-60, 365-67, 422-23, 513-14, 526, 547; III, 15, 44-45, 54-55, 76-85, 409, 497, 498; V, 203-5, 216; VI, 3, 21-22, 145-47; VII, 99-103.

ultimate right. The health of society requires that the ultimate sovereignty of the people be almost always dormant. He opposes the theorists of the French Revolution because they turn "a case of necessity into a rule of law" or because they regard as normally valid what is valid only in extreme cases. "But the very habit of stating these extreme cases is not very laudable or safe." Burke's opinions, on the other hand, "never can lead to an extreme, because their foundation is laid in an opposition to extremes."⁷⁵

Burke traces the extremism of the French Revolution to a novel philosophy. "The old morality" was a morality "of social benevolence and of individual self-denial." The Parisian philosophers deny the nobility of "individual self-restraint" or of temperance or of "the severe and restrictive virtues." They recognize only the "liberal" virtues: "a virtue which they call humanity or benevolence."⁷⁶ Humanity thus understood goes well with dissoluteness. It even fosters it; it fosters the loosening of the marriage bonds and the substitution of the theater for the church. In addition, "the same discipline which . . . relaxes their morals," "hardens their hearts": the extreme humanitarianism of the theorists of the French Revolution necessarily leads to bestiality. For that humanitarianism is based on the premise that the fundamental moral facts are rights which correspond to the basic bodily wants; all sociability is derivative and, in fact, artificial; certainly, civil

75. *Ibid.*, I, 471, 473, 474; II, 291, 296, 335-36, 468; III, 15-16, 52, 81, 109; V, 120. Cf. G. H. Dodge, *The Political Theory of the Huguenots of the Dispersion* (New York, 1947), p. 105: Jurieu held that it is better "for public peace" that the people do not know the true extent of their powers; the rights of the people are "remedies which must not be wasted or applied in the case of minor wrongs. They are mysteries which must not be profaned by exposing them too much before the eyes of the common herd." "When it comes to the destruction of the state or religion, then [these remedies] can be produced; beyond that I do not think it evil that they should be covered with silence."

76. Letter to Rivarol of June 1, 1791 (cf. *Works*, I, 130-31, 427; II, 56, 418), *Works*, V, 208, 326. Cf. Montesquieu, *De l'esprit des lois*, XX, 1 (and XIX, 16) on the connection between commerce and the mildness of manners as distinguished from their purity.

society is radically artificial. Hence the virtues of the citizen cannot be grafted "on the stock of the natural affections." But civil society is assumed to be not only necessary but noble and sacred. Accordingly, the natural sentiments, all natural sentiments, must be ruthlessly sacrificed to the alleged requirements of patriotism or of humanity. The French revolutionists arrive at these requirements by approaching human affairs in the attitude of scientists, of geometers or of chemists. Hence, they are, from the outset, "worse than indifferent about those feelings and habitudes, which are the support of the moral world." They "consider men in their experiments, no more than they do mice in an air pump, or in a recipient of mephitic gas." Accordingly, "they are ready to declare that they do not think two thousand years too long a period for the good that they pursue." "Their humanity is not dissolved. They only give it a long prorogation. . . . Their humanity is at their horizon—and, like the horizon, it always flies before them." It is this "scientific" attitude of the French revolutionists or of their teachers which also explains why their dissoluteness, which they oppose as something natural to the conventions of earlier gallantry, is "an unfashioned, indelicate, sour, gloomy, ferocious medley of pedantism and lewdness."⁷⁷

Burke opposes, then, not merely a change in regard to the substance of the moral teaching. He opposes likewise, and even primarily, a change in regard to its mode: the new moral teaching is the work of men who think about human affairs as geometers think about figures and planes rather than as acting men think about a business before them. It is this fundamental change from a practical to a theoretical approach which, according to Burke, gave the French Revolution its unique character.

"The present revolution in France seems to me . . . to bear

77. *Works*, II, 311, 409, 419, 538-40; V, 138, 140-42, 209-13.

little resemblance or analogy to any of those which have been brought about in Europe, upon principles merely political. It is a revolution of doctrine and theoretic dogma. It has a much greater resemblance to those changes which have been made upon religious grounds, in which a spirit of proselytism makes an essential part." The French Revolution, therefore, has a certain resemblance to the Reformation. Yet "this spirit of general political faction," or this "armed doctrine," is "separated from religion" and is, in fact, atheistic; the "theoretic dogma" guiding the French Revolution is purely political. But, since that revolution extends the power of politics to religion and "even to the constitution of the mind of man," it is the first "*complete* revolution" in the history of mankind. Its success cannot be explained, however, by the political principles which animate it. Those principles have at all times had a powerful appeal, since they are "most flattering to the natural propensities of the unthinking multitude." Hence there have been earlier insurrectionary attempts "grounded on these rights of men," like the Jacquerie and John Ball's insurrection in the Middle Ages and the efforts of the extreme wing during the English Civil War. But none of these attempts was successful. The success of the French Revolution can be explained only by that one among its features which distinguishes it from all parallels. The French Revolution is the first "philosophic revolution." It is the first revolution which was made by men of letters, philosophers, "thoroughbred metaphysicians," "not as subordinate instruments and trumpeters of sedition, but as the chief contrivers and managers." It is the first revolution in which "the spirit of ambition is connected with the spirit of speculation."⁷⁸

In opposing this intrusion of the spirit of speculation or of

78. *Ibid.*, II, 284-87, 299, 300, 302, 338-39, 352, 361-62, 382-84, 403-5, 414, 423-24, 527; III, 87-91, 164, 350-52, 354, 376, 377, 379, 442-43, 456-57; V, 73, 111, 138, 139, 141, 245, 246, 259 (the italics are in the original).

theory into the field of practice or of politics, Burke may be said to have restored the older view according to which theory cannot be the sole, or the sufficient, guide of practice. He may be said to have returned to Aristotle in particular. But, to say nothing of other qualifications, one must add immediately that no one before Burke had spoken on this subject with equal emphasis and force. One may even say that, from the point of view of political philosophy, Burke's remarks on the problem of theory and practice are the most important part of his work. He spoke more emphatically and more forcefully on this problem than Aristotle in particular had done because he had to contend with a new and most powerful form of "speculatism," with a political doctrinairism of philosophic origin. That "speculatist" approach to politics came to his critical attention a considerable time before the French Revolution. Years before 1789, he spoke of "the speculatists of our speculating age." It was the increased political significance of speculation which, very early in his career, most forcefully turned Burke's attention to "the old quarrel between speculation and practice."⁷⁹

It was in the light of that quarrel that he conceived his greatest political actions: not only his action against the French Revolution but his action in favor of the American colonists as well. In both cases the political leaders whom Burke opposed insisted on certain rights: the English government insisted on the rights of sovereignty and the French revolutionists insisted on the rights of man. In both cases Burke proceeded in exactly the same manner: he questioned less the rights than the wisdom of exercising the rights. In both cases he tried to restore the genuinely political approach as against a legalistic approach. Now he characteristically regarded the legalistic approach as one form of "speculatism," other forms being the approaches of the historian, the meta-

79. *Ibid.*, I, 311; II, 363; III, 139, 356; V, 76; VII, 11.

physician, the theologian, and the mathematician. All these approaches to political matters have this in common—that they are not controlled by prudence, the controlling virtue of all practice. Whatever might have to be said about the propriety of Burke's usage, it is here sufficient to note that, in judging the political leaders whom he opposed in the two most important actions of his life, he traced their lack of prudence less to passion than to the intrusion of the spirit of theory into the field of politics.⁸⁰

It has often been said that Burke, in the name of history, attacked the theories which prevailed in his age. As will appear later, this interpretation is not altogether unjustified. But, in order to see its limited correctness, one must start from the fact that what appeared to the generations after Burke as a turn to History, not to say as the discovery of History, was primarily a return to the traditional view of the essential limitations of theory as distinguished from practice or prudence.

"Speculatism" in its most thoroughgoing form would be the view that all the light which practice needs is supplied by theory or philosophy or science. Over against this view Burke asserts that theory is insufficient for the guidance of practice and, in addition, has essentially a tendency to mislead practice.⁸¹ Practice and hence practical wisdom or prudence are distinguished from theory, in the first place, by the fact that they are concerned with the particular and changeable, whereas theory is concerned with the universal and unchangeable. Theory, "which regards man and the affairs of men," is primarily concerned with the principles of morality as well as with "the principles of true politics [which] are those of morality en-

80. *Ibid.*, I, 257, 278, 279, 402, 403, 431, 432, 435, 479–80; II, 7, 25–30, 52, 300, 304; III, 16; V, 295; VII, 161; VIII, 8–9; cf. also Ernest Barker, *Essays on Government* (Oxford, 1945), p. 221.

81. *Works*, I, 259, 270–71, 376; II, 25–26, 306, 334–35, 552; III, 110; VI, 148; *Letters*, p. 131.

larged" or with "the proper ends of government." Knowing the proper ends of government, one does not know anything of how and to what extent those ends can be realized here and now, under these particular circumstances both fixed and transitory. And it is the circumstances which give "to every political principle its distinguishing colour and discriminating effect." Political freedom, for example, may be a blessing or a curse, according to the difference of circumstances. "The science of constructing a commonwealth, or renovating it, or reforming it," as distinguished from the knowledge of the principles of politics, is therefore an "experimental science, not to be taught *a priori*." Theory, then, deals not merely with the proper ends of government but also with the means to those ends. But there is hardly any rule regarding those means which is universally valid. Sometimes one is confronted even "with the dreadful exigence in which morality submits to the suspension of its own rules in favour of its own principles."⁸² Since there are many rules of this kind which are sound in most cases, they have a plausibility that is positively misleading in regard to the rare cases in which their application would be fatal. Such rules do not make proper allowance for chance, "to which speculators are rarely pleased to assign that very large share to which she is justly entitled in all human affairs." Disregarding the power of chance and thus forgetting that "perhaps the only moral trust with any certainty in our hands, is the care of our own time," "they do not talk as politicians, but as prophets." The concern with the universal or the general is likely to create a kind of blindness in regard to the particular and the unique. Political rules derived from experience express the lessons drawn from what has succeeded or failed down to the present. They are therefore inapplicable to new situations. New situations sometimes arise

82. *Works*, I, 185, 312, 456; II, 7-8, 282-83, 333, 358, 406, 426-27, 431, 520, 533, 542-43, 549; III, 15-16, 36, 81, 101, 350, 431-32, 452; V, 158, 216; VI, 19, 24, 114, 471; VII, 93-94, 101.

in reaction to the very rules which uncontradicted previous experience pronounced to be universally valid: man is inventive in good and in evil. Therefore it may happen that "experience upon other data [than the actual circumstances of the case], is of all things the most delusive."⁸³

It follows from this that history is only of very limited value. From history "much political wisdom may be learned," but only "as habit, not as precept." History is liable to turn man's understanding from "the business before him" to misleading analogies, and men are naturally inclined to succumb to that temptation. For it requires a much greater effort to articulate a hitherto unarticulated situation in its particular character than to interpret it in the light of precedents which have been articulated already. "I have constantly observed," Burke says, "that the generality of people are fifty years, at least, behind hand in their politics . . . in books everything is settled for them, without the exertion of any considerable diligence or sagacity." This is not to deny that the politician sometimes needs history for the sake of "the business before him." Reason and good sense absolutely prescribe, e.g., "whenever we are involved in difficulties from the measures we have pursued, that we should take a strict review of those measures" or that we should "enter into the most ample historical detail." History has this in common with practical wisdom—that both are concerned with particulars; and it has this in common with theory—that the objects of history, i.e., past actions or transactions (*acta*), are not objects of action proper (*agenda*), i.e., things which we have to do now. Thus history, or "retrospective wisdom," creates the delusion that it could "serve admirably to reconcile the old quarrel between speculation and practice."⁸⁴

Another way in which men try to evade the hardship in-

83. *Ibid.*, I, 277-78, 312, 365; II, 372, 374-75, 383; III, 15-17; V, 78, 153-54, 257.

84. *Ibid.*, I, 311, 384-85; II, 25; III, 456-57; V, 258.

volved in articulating and handling difficult situations is legalism. They sometimes act on the assumption that political questions proper, which, as such, concern the here and now, can be fully answered by recourse to law, which, as such, is concerned with universals. It is with a view to this difference between the prudential and the legal that Burke calls the legal approach sometimes "speculative" or "metaphysical." He contrasts "the limited and fixed" character of the legal, which is "adapted to ordinary occasions," with the prudential, which alone can guide men "when a new and troubled scene is opened."⁸⁵

Theory, then, is capable of a simplicity, uniformity, or exactness which practical wisdom necessarily lacks. It is characteristic of the theory which regards man and the affairs of men that it be primarily concerned either with the best or simply just order or with the state of nature. In both forms theory is primarily concerned with the simplest case. This simple case never occurs in practice; no actual order is simply just, and every social order is fundamentally different from the state of nature. Therefore, practical wisdom always has to do with exceptions, modifications, balances, compromises, or mixtures. "These metaphysical rights entering into common life, like rays of light which pierce into a dense medium are, by the laws of nature, refracted from their straight line." Since "the objects of society are of the greatest possible complexity," "the primitive rights of men" cannot continue "in the simplicity of their original direction"; "and in proportion as [these rights] are metaphysically true, they are morally and politically false." Practical wisdom, in contradistinction to theory, requires, therefore, "the most delicate and complicated skill," a skill which arises only from long and varied practice.⁸⁶

85. *Ibid.*, I, 199, 406-7, 431, 432; II, 7, 25, 28; V, 295.

86. *Ibid.*, I, 257, 336-37, 408, 433, 500-501; II, 29-30, 333-35, 437-38, 454-55, 515; III, 16; V, 158; VI, 132-33.

On the other hand, Burke characterizes theory as "subtle" or "refined" and sees in simplicity or plainness an essential character of sound politics: "refined policy has ever been the parent of confusion." The wants for which society has to provide and the duties to which it has to conform may be said to be known to everyone through his feelings and his conscience. Political theory raises the question regarding the best solution to the political problem. For this purpose, to say nothing of others, it transcends the limits of common experience: it is "refined." The man of civil discretion is vaguely aware of the best solution but is clearly aware of which modification of the best solution is appropriate in the circumstances. To take an example from the present day, he is aware of the fact that at present only "a wider, if a simpler culture"⁸⁷ is possible. The clarity required for sound action is not necessarily enhanced by enhanced clarity about the best solution or by enhanced theoretical clarity of any other kind: the clear light of the ivory tower or, for that matter, of the laboratory obscures political things by impairing the medium in which they exist. It may require "the most delicate and complicated skill" to devise a policy which agrees tolerably well with the ends of government in a given situation. But such a policy is a failure if the people cannot see its soundness: "refined policy" is destructive of trust and hence of full obedience. Policy must be "plain" as regards "all broader grounds of policy," whereas it is not necessary that "the ground of a particular measure, making a part of a plan" should "suit the ordinary capacities of those who are to enjoy it" or even that that ground should be divulged to them. "In the most essential point," "the less inquiring" can be and ought to be, by virtue of "their feelings and their experience," "on a par with the most wise and knowing."⁸⁸

87. Winston S. Churchill, *Blood, Sweat, and Tears* (New York, 1941), p. 18.

88. *Works*, I, 337, 428-29, 435, 454, 489; II, 26, 30, 304, 358, 542; III, 112, 441; V, 227, 278; VI, 21, 24; VII, 349.

Furthermore, practice presupposes attachment to a particular or, more precisely, to "one's own" (one's country, one's people, one's religious group, and the like), whereas theory is detached. To be attached to something means to care for it, to have a concern with it, to be affected by it, or to have a stake in it. Practical matters, as distinguished from theoretical ones, "come home to the business and bosoms of men." The theoretician as such is no more interested in his own case or in the case of his own group than in any other. He is impartial and neutral, not to say "cold and languid." "Speculators ought to be neutral. A minister cannot be so." Acting man is necessarily and legitimately partial to what is his own; it is his duty to take sides. Burke does not mean that the theoretician must not pass "value judgments" but that, as theoretician, he is a partisan of excellence regardless of when and where it is found; he unqualifiedly prefers the good to what is his own. Acting man, however, is primarily concerned with what is his own, with what is nearest and dearest to him, however deficient in excellence it may be. The horizon of practice is necessarily narrower than that of theory. By opening up a larger vista, by thus revealing the limitations of any practical pursuit, theory is liable to endanger full devotion to practice.⁸⁹

Practice lacks the freedom of theory also because it cannot wait: "we must submit . . . affairs to time." Practical thought is thought with a view to some deadline. It is concerned with the most imminent rather than with the most eligible. It lacks the ease and the leisure of theory. It does not permit man "to evade an opinion" or to suspend his judgment. Therefore, it must rest satisfied with a lower degree of clarity or certainty than theoretical thought. Every theoretical "decision" is reversible; actions are irreversible. Theory can and must ever again begin from the beginning. The very question of the best social order means that one "moots cases . . . on the supposed

89. *Ibid.*, I, 185-86, 324, 501; II, 29, 120, 280-81, 548; III, 379-80; VI, 226; VIII, 458.

ruin of the constitution," i.e., that one does something which in practical thought would bespeak "a bad habit." In contradistinction to theory, practice is limited by past decisions and, therefore, by what is established. In human affairs, possession passes for a title, whereas there is no presumption in favor of the accepted view in theoretical matters.⁹⁰

Speculation, being essentially "private," is concerned with the truth without any regard to public opinion. But "national measures" or "political problems do not primarily concern truth or falsehood. They relate to good or evil." They relate to peace and "mutual convenience," and their satisfactory handling requires "unsuspecting confidence," consent, agreement, and compromise. Political action requires "a judicious management of the temper of the people." Even in giving "a direction . . . to the general sense of the community," it must "follow . . . the public inclination." Regardless of what one might have to think of "the abstract value of the voice of the people, . . . opinion, the great support of the State, [depends] entirely upon that voice." Hence it may easily happen that what is metaphysically true is politically false. "Established opinions," "allowed opinions which contribute so much to the public tranquillity," must not be shaken, although they are not "infallible." Prejudices must be "appeased." Political life requires that fundamental principles proper, which, as such, transcend the established constitution, be kept in a state of dormancy. Temporary solutions of continuity must be "kept from the eye," or a "politic, well-wrought veil" must be thrown over them. "There is a sacred veil to be drawn over the beginnings of all governments." Whereas speculation is "innovating," whereas the "waters" of science "must be troubled, before they can exert their virtues," practice must keep as closely as possible to precedent, example, and tradition: "old custom . . . is the great support of all the govern-

90. *Ibid.*, I, 87, 193, 323, 336, 405; II, 26, 427-28, 548, 552; VI, 19; VII, 127.

ments in the world." Society rests, indeed, on consent. Yet the consent cannot be achieved by reasoning alone, and in particular not by the mere calculation of the advantages of living together—a calculation which may be completed in a brief span of time—but solely by habits and prejudices which grow up only in long periods. Whereas theory rejects error, prejudice, or superstition, the statesman puts these to use.⁹¹

The intrusion of theory into politics is liable to have an unsettling and inflaming effect. No actual social order is perfect. "Speculative inquiries" necessarily bring to light the imperfect character of the established order. If these inquiries are introduced into political discussion, which, of necessity, lacks "the coolness of philosophic inquiry," they are liable "to raise discontent in the people" in regard to the established order, discontent which may make rational reform impossible. The most legitimate theoretical problems become, in the political arena, "vexatious questions" and cause "a spirit of litigation" and "fanaticism." Considerations transcending "the arguments of states and kingdoms" must be left "to the schools; for there only they may be discussed with safety."⁹²

As may be inferred from the preceding paragraphs, Burke is not content with defending practical wisdom against the encroachments of theoretical science. He parts company with the Aristotelian tradition by disparaging theory and especially metaphysics. He uses "metaphysics" and "metaphysician" frequently in a derogatory sense. There is a connection between this usage and the fact that he regards Aristotle's natural philosophy as "unworthy of him," whereas he considers Epicurean physics to be "the most approaching to rational."⁹³

91. *Ibid.*, I, 87, 190, 257, 280, 307, 352, 375, 431, 432, 471, 473, 483, 489, 492, 502; II, 27-29, 33-34, 44, 292, 293, 306, 335, 336, 349, 429-30, 439; III, 39-40, 81, 109, 110; V, 230; VI, 98, 243, 306-7; VII, 44-48, 59, 60, 190; VIII, 274; *Letters*, pp. 299-300.

92. *Works*, I, 259-60, 270-71, 432; II, 28-29, 331; III, 12, 16, 25, 39, 81, 98-99, 104, 106; VI, 132.

93. *Ibid.*, VI, 250-51.

There is a connection between his strictures on metaphysics and the skeptical tendencies of his contemporaries Hume and Rousseau. At least so much must be said that Burke's distinction between theory and practice is radically different from Aristotle's, since it is not based on a clear conviction of the ultimate superiority of theory or of the theoretical life.

For the support of this contention, we do not have to rely entirely on a general impression derived from Burke's usage and the bent of his thought. He wrote one theoretical work: *A Philosophical Inquiry into the Origin of Our Ideas of the Sublime and Beautiful*. In that work he speaks in a nonpolemical tone about the limitations of theoretic science: "When we go but one step beyond the immediate sensible qualities of things, we go out of our depth. All we do after is but a faint struggle, that shows we are in an element which does not belong to us." Our knowledge of bodily and mental phenomena is limited to the manner of their operation, to their How; it can never reach their Why. The very title of the inquiry reveals the ancestry of Burke's sole theoretic effort; it is reminiscent of Locke and of Burke's acquaintance, Hume. Of Locke, Burke says that "the authority of this great man is doubtless as great as that of any man can be." The most important thesis of the *Sublime and Beautiful* is in perfect agreement with British sensualism and in explicit opposition to the classics; Burke denies that there is a connection between beauty, on the one hand, and perfection, proportion, virtue, convenience, order, fitness, and any other such "creatures of the understanding," on the other. That is to say, he refuses to understand visible or sensible beauty in the light of intellectual beauty.⁹⁴

The emancipation of sensible beauty from its traditionally assumed directedness toward intellectual beauty foreshadows or accompanies a certain emancipation of sentiment and instinct from reason, or a certain depreciation of reason. It is this

94. *Ibid.*, I, 114 ff., 122, 129, 131, 143-44, 155; II, 441; VI, 98.

novel attitude toward reason which accounts for the nonclassical overtones in Burke's remarks on the difference between theory and practice. Burke's opposition to modern "rationalism" shifts almost insensibly into an opposition to "rationalism" as such.⁹⁵ What he says about the deficiencies of reason is indeed partly traditional. On some occasions he does not go beyond depreciating the judgment of the individual in favor of "the judgment of the human race," the wisdom of "the species" or "the ancient, permanent sense of mankind," i.e., the *consensus gentium*. On other occasions he does not go beyond depreciating the experience which the individual can acquire in favor of the much more extensive and varied experience of "a long succession of generations" or of "the collected reason of ages."⁹⁶ The novel element in Burke's critique of reason reveals itself least ambiguously in its most important practical consequence: he rejects the view that constitutions can be "made" in favor of the view that they must "grow"; he therefore rejects in particular the view that the best social order can be or ought to be the work of an individual, of a wise "legislator" or founder.⁹⁷

To see this more clearly, it is necessary to contrast Burke's view of the British constitution, which he regarded, to say the

95. In the *Sublime and Beautiful*, Burke says that "our gardens, if nothing else, declare we begin to feel that mathematical ideas are not the true measures of beauty," and that this wrong view "arose from the Platonic theory of fitness and aptitude" (*Works*, I, 122). In the *Reflections on the Revolution in France*, he compares the French revolutionists to the French "ornamental gardeners" (*Works*, II, 413). Cf. *ibid.*, II, 306, 308; I, 280.

96. *Works*, II, 359, 364, 367, 435, 440; VI, 146-47.

97. Friedrich von Gentz, the German translator of the *Reflections on the Revolution in France*, says: "Konstitutionen können schlechterdings nicht gemacht werden, sie müssen sich, wie Natur-Werke, durch allmähliche Entwicklung von selbst bilden. . . . Diese Wahrheit ist die kostbarste, *vielleicht die einzige wirklich neue (denn höchstens geahnt, aber nicht vollständig erkannt wurde sie zuvor)*, um welche die französische Revolution die höhere Staatswissenschaft bereichert hat" (*Staatsschriften und Briefe* [Munich, 1921], I, 344) (the italics are not in the original).

least, as second to none, with the classical view of the best constitution. According to the classics, the best constitution is a contrivance of reason, i.e., of conscious activity or of planning on the part of an individual or of a few individuals. It is in accordance with nature, or it is a natural order, since it fulfils to the highest degree the requirements of the perfection of human nature, or since its structure imitates the pattern of nature. But it is not natural as regards the manner of its production: it is a work of design, planning, conscious making; it does not come into being by a natural process or by the imitation of a natural process. The best constitution is directed toward a variety of ends which are linked with one another by nature in such a manner that one of these ends is the highest end; the best constitution is therefore directed particularly toward that single end which is by nature the highest. According to Burke, on the other hand, the best constitution is in accordance with nature or is natural also and primarily because it has come into being not through planning but through the imitation of natural process, i.e., because it has come into being without guiding reflection, continuously, slowly, not to say imperceptibly, "in a great length of time, and by a great variety of accidents"; all "new fancied and new fabricated republics" are necessarily bad. The best constitution is therefore not "formed upon a regular plan or with any unity of design" but directed toward "the greatest variety of ends."⁹⁸

One goes beyond what Burke himself says if one ascribes to him the view that a sound political order must be the product of History. What came to be called "historical" was, for Burke, still "the local and accidental." What came to be called "historical process" was for him still accidental causation or accidental causation modified by the prudential handling of situations as they arose. Accordingly, the sound political order for him, in the last analysis, is the unintended out-

98. *Works*, II, 33, 91, 305, 307-8, 439-40; V, 148, 253-54.

come of accidental causation. He applied to the production of the sound political order what modern political economy had taught about the production of public prosperity: the common good is the product of activities which are not by themselves ordered toward the common good. Burke accepted the principle of modern political economy which is diametrically opposed to the classical principle: "the love of lucre," "this natural, this reasonable . . . principle," "is the grand cause of prosperity to all states."⁹⁹ The good order or the rational is the result of forces which do not themselves tend toward the good order or the rational. This principle was first applied to the planetary system and thereafter to "the system of wants," i.e., to economics.¹⁰⁰ The application of this principle to the genesis of the sound political order was one of the two most important elements in the "discovery" of History. The other, equally important, element was supplied by the application of the same principle to the understanding of man's humanity; man's humanity was understood as acquired by virtue of accidental causation. This view, of which the classic exposition is to be found in Rousseau's *Second Discourse*, led to the consequence that "the historical process" was thought to culminate in an absolute moment: the moment in which man, the product of blind fate, becomes the seeing master of his fate by understanding for the first time in an adequate manner what is right and wrong politically and morally. It led to a "complete revolution," to a revolution extending "even to the constitution of the mind of man." Burke denies the possibility of an absolute moment; man can never become the seeing master of

99. *Ibid.*, II, 33; V, 313; VI, 160; *Letters*, p. 270. As for Burke's agreement with the modern "economical politicians," see especially *Works*, I, 299, 462; II, 93, 194, 351, 431-32; V, 89, 100, 124, 321; VIII, 69. One of the few things which Burke seems to have learned through the French Revolution is that power and influence do not necessarily go with property. Compare *Works*, III, 372, 456-57; V, 256, with VI, 318; see also Barker, *op. cit.*, p. 159.

100. Cf. Hegel, *Rechtsphilosophie*, sec. 189 Zusatz.

his fate; what the wisest individual can think out for himself is always inferior to what has been produced "in a great length of time, and by a great variety of accidents." He denies therefore, if not the feasibility, at least the legitimacy, of a "complete revolution"; all other moral or political errors almost fade into insignificance if compared with the error underlying the French Revolution. The age of the French Revolution, far from being the absolute moment, is "the most unenlightened age, the least qualified for legislation that perhaps has been since the first formation of civil society." One is tempted to say that it is the age of perfect sinfulness. Not admiration, but contempt of the present; not contempt, but admiration of the ancient order and eventually of the age of chivalry, is the sound attitude—everything good is inherited. What is needed is not "metaphysical jurisprudence" but "historical jurisprudence."¹⁰¹ Thus Burke paves the way for "the historical school." But his intransigent opposition to the French Revolution must not blind us to the fact that, in opposing the French Revolution, he has recourse to the same fundamental principle which is at the bottom of the revolutionary theorems and which is alien to all earlier thought.

It almost goes without saying that Burke regards the connection between "the love of lucre" and prosperity, on the one hand, and "a great variety of accidents" and a healthy political order, on the other, as part of the providential order; it is because the processes which are not guided by human reflection are part of the providential order that their products are infinitely superior in wisdom to the products of reflection. From a similar point of view, Kant has interpreted the teaching of Rousseau's *Second Discourse* as a vindication of Providence.¹⁰² Accordingly, the idea of History, precisely like mod-

101. *Works*, II, 348-49, 363; VI, 413; see also Thomas W. Copeland, *Edmund Burke: Six Essays* (London, 1950), p. 232.

102. *Works*, II, 33, 307; V, 89, 100, 321; Kant, *Sämtliche Werke*, ed. Karl Vorländer, VIII, 280.

ern political economy, could appear to have emerged through a modification of the traditional belief in Providence. That modification is usually described as "secularization." "Secularization" is the "temporalization" of the spiritual or of the eternal. It is the attempt to integrate the eternal into a temporal context. It therefore presupposes that the eternal is no longer understood as eternal. "Secularization," in other words, presupposes a radical change of thought, a transition of thought from one plane to an entirely different plane. This radical change appears in its undisguised form in the emergence of modern philosophy or science; it is not primarily a change within theology. What presents itself as the "secularization" of theological concepts will have to be understood, in the last analysis, as an adaptation of traditional theology to the intellectual climate produced by modern philosophy or science both natural and political. The "secularization" of the understanding of Providence culminates in the view that the ways of God are scrutable to sufficiently enlightened men. The theological tradition recognized the mysterious character of Providence especially by the fact that God uses or permits evil for his good ends. It asserted, therefore, that man cannot take his bearings by God's providence but only by God's law, which simply forbids man to do evil. In proportion as the providential order came to be regarded as intelligible to man, and therefore evil came to be regarded as evidently necessary or useful, the prohibition against doing evil lost its evidence. Hence various ways of action which were previously condemned as evil could now be regarded as good. The goals of human action were lowered. But it is precisely a lowering of these goals which modern political philosophy consciously intended from its very beginning.

Burke was satisfied that the French Revolution was thoroughly evil. He condemned it as strongly and as unqualifiedly as we today condemn the Communist revolution. He regarded it as possible that the French Revolution, which conducted "a

war against all sects and all religions," might be victorious and thus that the revolutionary state might exist "as a nuisance on the earth for several hundred years." He regarded it, therefore, as possible that the victory of the French Revolution might have been decreed by Providence. In accordance with his "secularized" understanding of Providence, he drew from this the conclusion that "if the system of Europe, taking in laws, manners, religion and politics" is doomed, "they, who persist in opposing this mighty current in human affairs . . . will not be resolute and firm, but perverse and obstinate."¹⁰³ Burke comes close to suggesting that to oppose a thoroughly evil current in human affairs is perverse if that current is sufficiently powerful; he is oblivious of the nobility of last-ditch resistance. He does not consider that, in a way which no man can foresee, resistance in a forlorn position to the enemies of mankind, "going down with guns blazing and flag flying," may contribute greatly toward keeping awake the recollection of the immense loss sustained by mankind, may inspire and strengthen the desire and the hope for its recovery, and may become a beacon for those who humbly carry on the works of humanity in a seemingly endless valley of darkness and destruction. He does not consider this because he is too certain that man can know whether a cause lost now is lost forever or that man can understand sufficiently the meaning of a providential dispensation as distinguished from the moral law. It is only a short step from this thought of Burke to the supersession of the distinction between good and bad by the distinction between the progressive and the retrograde, or between what is and what is not in harmony with the historical process. We are here certainly at the pole opposite to Cato, who dared to espouse a lost cause.

Whereas Burke's "conservatism" is in full agreement with classical thought, his interpretation of his "conservatism"

103: *Works*, II, 375, 393, 443; VIII, 510; *Letters*, p. 308.

prepared an approach to human affairs which is even more foreign to classical thought than was the very "radicalism" of the theorists of the French Revolution. Political philosophy or political theory had been from its inception the quest for civil society as it ought to be. Burke's political theory is, or tends to become, identical with a theory of the British constitution, i.e., an attempt to "discover the latent wisdom which prevails" in the actual. One might think that Burke would have to measure the British constitution by a standard transcending it in order to recognize it as wise, and to a certain extent he undoubtedly does precisely this: he does not tire of speaking of natural right, which, as such, is anterior to the British constitution. But he also says that "our constitution is a prescriptive constitution; it is a constitution whose sole authority is that it has existed time out of mind" or that the British constitution claims and asserts the liberties of the British "as an estate especially belonging to the people of this kingdom, without any reference whatever to any other more general or prior right." Prescription cannot be the sole authority for a constitution, and therefore recourse to rights anterior to the constitution, i.e., to natural rights, cannot be superfluous unless prescription by itself is a sufficient guaranty of goodness. Transcendent standards can be dispensed with if the standard is inherent in the process; "the actual and the present is the rational." What could appear as a return to the primeval equation of the good with the ancestral is, in fact, a preparation for Hegel.¹⁰⁴

We have noted before that what appeared later on as the discovery of History was originally rather the recovery of the distinction between theory and practice. That distinction had been blurred by the doctrinairism of the seventeenth and eighteenth centuries or, what is fundamentally the same thing, by

104. *Works*, II, 306, 359, 443; III, 110, 112; VI, 146; Hegel, *op. cit.*, Vorrede; cf. also Barker, *op. cit.*, p. 225.

the understanding of all theory as essentially in the service of practice (*scientia propter potentiam*). The recovery of the distinction between theory and practice was from the outset modified by skepticism in regard to theoretical metaphysics, a skepticism which culminated in the depreciation of theory in favor of practice. In accordance with these antecedents, the highest form of practice—the foundation or formation of a political society—was viewed as a quasi-natural process not controlled by reflection; thus it could become a purely theoretical theme. Political theory became understanding of what practice has produced or of the actual and ceased to be the quest for what ought to be; political theory ceased to be “theoretically practical” (i.e., deliberative at a second remove) and became purely theoretical in the way in which metaphysics (and physics) were traditionally understood to be purely theoretical. There came into being a new type of theory, of metaphysics, having as its highest theme human action and its product rather than the whole, which is in no way the object of human action. Within the whole and the metaphysic that is oriented upon it, human action occupies a high but subordinate place. When metaphysics came, as it now did, to regard human action and its product as the end toward which all other beings or processes are directed, metaphysics became philosophy of history. Philosophy of history was primarily theory, i.e., contemplation, of human practice and therewith necessarily of completed human practice; it presupposed that significant human action, History, was completed. By becoming the highest theme of philosophy, practice ceased to be practice proper, i.e., concern with *agenda*. The revolts against Hegelianism on the part of Kierkegaard and Nietzsche, in so far as they now exercise a strong influence on public opinion, thus appear as attempts to recover the possibility of practice, i.e., of a human life which has a significant and undetermined future. But these attempts increased the confusion, since they

destroyed, as far as in them lay, the very possibility of theory. "Doctrinairism" and "existentialism" appear to us as the two faulty extremes. While being opposed to each other, they agree with each other in the decisive respect—they agree in ignoring prudence, "the god of this lower world."¹⁰⁵ Prudence and "this lower world" cannot be seen properly without some knowledge of "the higher world"—without genuine *theoria*.

Among the great theoretical writings of the past, none seems to be nearer in spirit to Burke's statements on the British constitution than Cicero's *Republic*. The similarity is all the more remarkable since Burke cannot have known Cicero's masterpiece, which was not recovered until 1820. Just as Burke regards the British constitution as the model, Cicero contends that the best polity is the Roman polity; Cicero chooses to describe the Roman polity rather than to invent a new one, as Socrates had done in Plato's *Republic*. These contentions of Burke and of Cicero are, if taken by themselves, in perfect agreement with the classical principles: the best polity being essentially "possible," it could have become actual at some place and at some time. One should note, however, that, whereas Burke assumed that the model constitution was actual in his time, Cicero assumed that the best polity had been actual in the past but was no longer actual. Above all, Cicero made it perfectly clear that the characteristics of the best polity can be determined without regard to any example, and especially to the example of the Roman polity. In the respect under discussion, there is no difference between Cicero and Plato in particular; Plato commenced a sequel to his *Republic*, namely the *Critias*, in which the "invented" polity of the *Republic* was to be shown to have been actual in the Athenian past. The following agreement between Burke and Cicero seems to be more important: just as Burke traced the excellence of the British constitution to the fact that it had come into

105. *Works*, II, 28.

being "in a great length of time" and thus embodies "the collected reason of ages," Cicero traced the superiority of the Roman polity to the fact that it was not the work of one man or of one generation but of many men and many generations. Cicero calls the way in which the Roman order developed into the best polity, "some natural road." Still, "the very idea of the fabrication of a new government" did not fill Cicero, as it did Burke, "with disgust and horror." If Cicero preferred the Roman polity, which was the work of many men and many generations, to the Spartan polity, which was the work of one man, he did not deny that the Spartan polity was respectable. In his presentation of the origins of the Roman polity, Romulus appears almost as the counterpart of Lycurgus; Cicero did not abandon the notion that civil societies are founded by superior individuals. It is "counsel and training" as opposed to chance that Cicero understands to be the "natural road" by which the Roman polity reached its perfection; he does not understand the "natural road" to be processes unguided by reflection.¹⁰⁶

Burke disagreed with the classics in regard to the genesis of the sound social order because he disagreed with them in regard to the character of the sound social order. As he saw it, the sound social or political order must not be "formed upon a regular plan or with any unity of design" because such "systematical" proceedings, such "presumption in the wisdom of human contrivances," would be incompatible with the highest possible degree of "personal liberty"; the state must pursue "the greatest variety of ends" and must as little as possible "sacrifice any one of them to another, or to the whole." It must be concerned with "individuality" or have the highest possible regard for "individual feeling and individual interest." It is for this reason that the genesis of the sound social

106. Cicero *Republic* i. 31-32, 34, 70-71; ii. 2-3, 15, 17, 21-22, 30, 37, 51-52, 66; v. 2; *Offices* i. 76. Consider also Polybius vi. 4. 13, 9. 10, 10. 12-14, 48. 2.

order must not be a process guided by reflection but must come as close as possible to natural, imperceptible process: the natural is the individual, and the universal is a creature of the understanding. Naturalness and free flowering of individuality are the same. Hence the free development of the individuals in their individuality, far from leading to chaos, is productive of the best order, an order which is not only compatible with "some irregularity in the whole mass" but requires it. There is beauty in irregularity: "method and exactness, the soul of proportion, are found rather prejudicial than serviceable to the cause of beauty."¹⁰⁷ The quarrel between the ancients and the moderns concerns eventually, and perhaps even from the beginning, the status of "individuality." Burke himself was still too deeply imbued with the spirit of "sound antiquity" to allow the concern with individuality to overpower the concern with virtue.

107. *Works*, I, 117, 462; II, 309; V, 253-55.